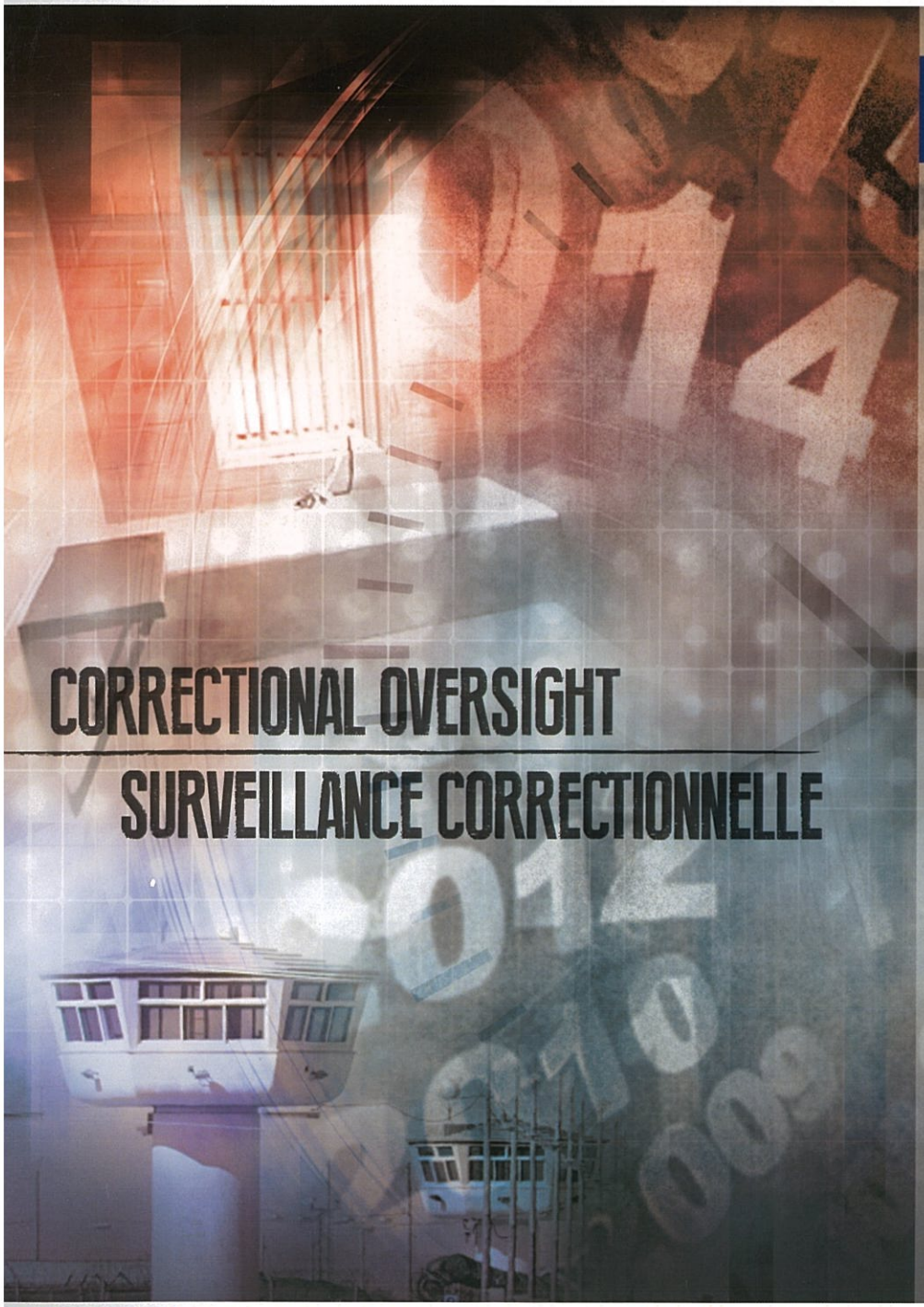
JUSTICE
ACTUALITÉS REPORT

Volume 29 No. / N° 3
SUMMER •• ÉTÉ 2014



CORRECTIONAL OVERSIGHT
SURVEILLANCE CORRECTIONNELLE

INSIDE
DANS CE NUMÉRO

A DECADE OF CORRECTIONAL OVERSIGHT: 2004-2014
By Howard Sapers
Office of the Correctional Investigator
Bureau de l'enquêteur correctionnel

SOLITARY CONFINEMENT
By Cindy Whitten-Nagle

HARM REDUCTION & INJECTION DRUG USE IN CANADIAN FEDERAL PRISONS: A TRUE STORY OF PARADOX AND IRONY…
By Jaclyn Bristow

SAWBONNA: WITNESS & MEDITATION
By Margot Van Sluytman

PART III AND CONCLUSION OF THE TRILOGY
"On Being Trauma Informed vis-à-vis Child/ Adolescent Confined & Restrictive Care"
THE REAL WORLD
By Dr. Jon P. Friel

NOTICES & FEEDBACK
AVIS ET RÉACTIONS

CANADIAN CRIMINAL JUSTICE ASSOCIATION •• ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

JUSTICE
ACTUALITÉS REPORT

Volume 29 No. / N° 3

The **JUSTICE REPORT** contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada. For more information on the activities of the CCJA, please contact: •• L'**ACTUALITÉS-JUSTICE** renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada. Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec :

CANADIAN CRIMINAL JUSTICE ASSOCIATION
ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

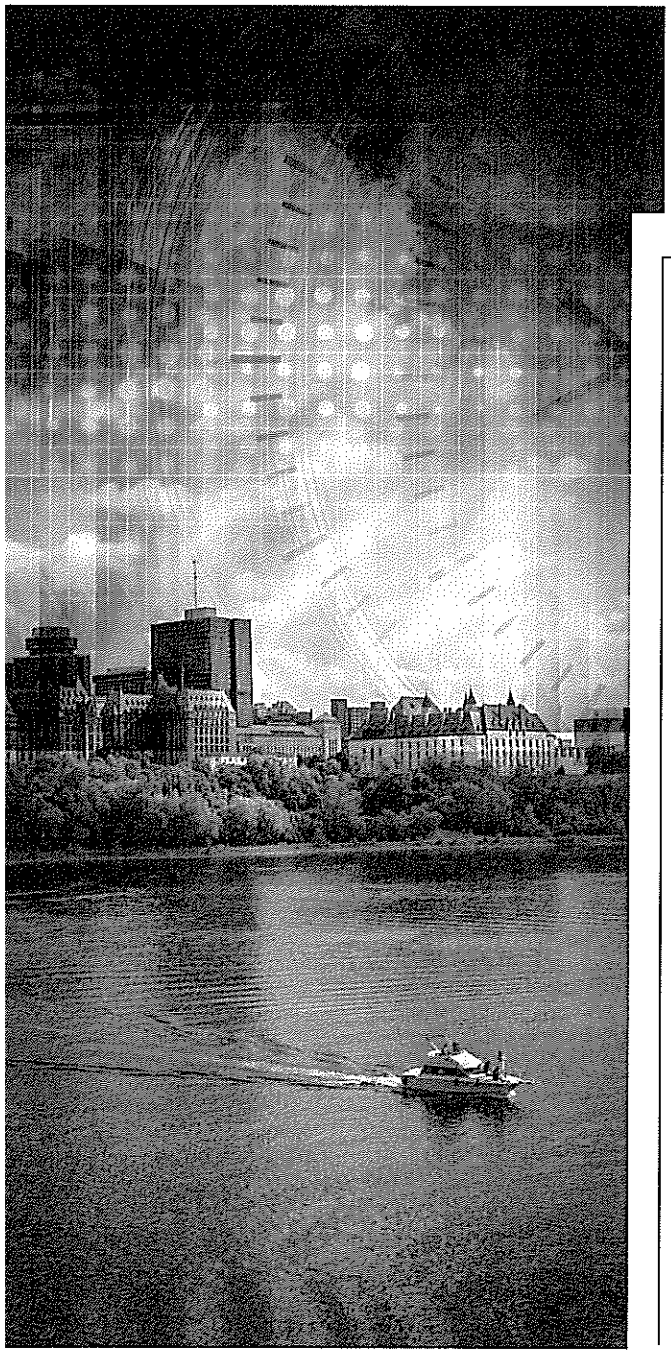
101-320, av. Parkdale Ave., Ottawa,
Ontario, Canada K1Y 4X9

613 725.3715 613 725.3720
ccja-acjp@rogers.com •• www.ccja-acjp.ca

ISSN: 0823-9436

Nancy Wright Editor •• Rédactrice
ccjapubsacjp@gmail.com

© 2014 CCJA-ACJP. All Rights Reserved. Tous droits réservés.



4 **EDITORIAL**
By Irving Kulik

5 **ÉDITORIAL**
Par Irving Kulik

6 **A DECADE OF CORRECTIONAL OVERSIGHT: 2004-2014**
By Howard Sapers, Résumé français à la page 11

12 **A SHORT HISTORY OF THE OFFICE OF THE CORRECTIONAL INVESTIGATOR**
By Howard Sapers

13 **DEATHS IN CUSTODY UPDATE**
By Irving Kulik, Résumé français à la page 13

14 **SOLITARY CONFINEMENT**
By Cindy Whitten-Nagle, Résumé français à la page 17

18 **HARM REDUCTION AND INJECTION DRUG USE IN CANADIAN FEDERAL PRISONS: A TRUE STORY OF PARADOX AND IRONY...**
By Jaclyn Bristow, Résumé français à la page 22

23 PART III AND CONCLUSION OF THE TRILOGY
"ON BEING TRAUMA INFORMED VIS-À-VIS CHILD/ADOLESCENT CONFINED & RESTRICTIVE CARE"
THE REAL WORLD
By Dr. Jon P. Friel, Résumé français à la page 25

26 **NOTICES AND FEEDBACK • AVIS ET RÉACTIONS**

28 **WILLIAM (WILLIE) GIBBS**

29 **SAWBONNA: WITNESS AND MEDITATION**
By Margot Van Sluytman, Résumé français à la page 29

30 **GENERAL GUIDELINES FOR ARTICLE SUBMISSIONS**
LIGNES DIRECTRICES POUR LA SOUMISSION D'ARTICLES

31 **COMING EVENTS | PROCHAINS ÉVÉNEMENTS**

ERRATA

The CCJA extends its sincere apologies to Sunčana Roksandić Vidlička, Ph.D. Candidate and Assistant Lecturer, University of Zagreb, Faculty of Law, Croatia for typographical errors in the title of her article (page 25 of Issue 29.2 of the *Justice Report*), which should have read as follows: RECENT CHANGES IN THE REGULATION OF THE STATUTE OF LIMITATIONS IN CROATIA FOR TRANSITIONAL ECONOMIC CRIMES. The errors were due to an oversight on the part of the publisher and not the author.

L'ACJP présente ses sincères excuses à Sunčana Roksandić Vidlička, doctorante et assistante chargée de cours, Faculté de droit, Université de Zagreb, Croatie, car une erreur typographique s'est glissée dans le titre de son article publié à la page 25 du numéro 29.2 d'*Actualités-Justice*. Ce titre aurait dû se lire comme suit : RECENT CHANGES IN THE REGULATION OF THE STATUTE OF LIMITATIONS IN CROATIA FOR TRANSITIONAL ECONOMIC CRIMES. Cette erreur est attribuable à un manque de vigilance de l'éditeur et non à l'auteure.

EDITORIAL

BY IRVING KULIK, Executive Director of the CCJA

One has often seen the quoted words of Sir Winston Churchill, that "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country".

While the mood of the public may vary from time to time, there is no doubt that Canadians have always favoured rehabilitation over sheer punishment. Our criminal justice system is not only based upon the rule of law but also, on a balanced approach, always ready to give a second chance (and sometimes a third) to those who show a willingness to change, improve their behaviour and reintegrate into the community.

This issue of the *Justice Report* carries as its theme the subject of correctional oversight. Those of us who have spent our careers in Canadian federal corrections and have had the opportunity to visit other jurisdictions would certainly agree to the relative safety and civility (that we may sometimes take for granted) in our system. And yet, a correctional system is never perfect and vigilance is always required. When we consider that members of our society do not volunteer to be imprisoned, that they may serve an entire lifetime in a federal penitentiary and that their every daily activity and movement can be supervised and interfered with, it is critically important that there be checks and balances in place. In practical terms, there must be a capacity for review by objective outsiders when complaints are lodged and when abuse is alleged.

Indeed abuse by correctional staff was investigated by a Commission of Inquiry in 1971 following the riot at Kingston Penitentiary. As a result, in 1973 the Office of the Correctional Investigator was established. Inger Hansen was appointed as Canada's first Correctional Investigator who, coincidentally, passed away last fall around the time that Kingston Penitentiary was being closed forever.

In this issue you will find a lengthy report by the current Correctional Investigator, Howard Sapers, on the important highlights of his outstanding 10 years as Canada's Correctional Investigator. You will see as well important articles on related subjects such as the use of administrative segregation, and the problems posed by the use of drugs by inmates in penitentiaries.

I cannot close without a reference to the passing of a great friend and colleague, Willie Gibbs. Willie was not only President of CCJA from 2003-2005 but also, a very active member of the Association for several decades and known by a great number of you. Willie started his career as a social worker and after he joined Correction Canada he rose through the ranks becoming the Senior Deputy Commissioner in 1993. Four years later he became the Chairman of the National Parole Board, a position he occupied until his retirement from the Public Service of Canada in 2000 but, not from public service. His commitment to CCJA continued as did his devotion to effective criminal justice policy which led to him becoming a founding member of the Smart Justice Network.

Our condolences go out to his wife Doreen, his daughters Gisele and Melanie, his grandchildren and his close-knit extended family.

He will be missed by many!

CCJA NEWSLETTER

Notice

The CCJA newsletter is emailed to members every 2nd Wednesday. Haven't been receiving it? No problem! Simply check your Spam/Junk Mail folders and add us to your Safe Senders list. Otherwise, please send your new address to ccjanatjp@rogers.com

Don't Miss Out!

ÉDITORIAL

PAR IRVING KULIK, Directeur général, ACJP

On a souvent attribué à Sir Winston Churchill les mots qui suivent : «On peut juger de l'humeur et du tempérament d'un peuple à la façon qu'il réagit au crime et à la prise en charge des délinquants; il s'agit là de l'un des tests les plus infaillibles de la civilité d'un pays.»

Bien que l'humeur de la population puisse varier de temps à autres, il ne fait aucun doute que les Canadiennes et les Canadiens ont toujours favorisé la réadaptation par rapport au châtiment pur et simple. Notre système de justice pénale n'est pas fondé uniquement sur la primauté du droit, mais aussi sur une approche équilibrée en vertu de laquelle on est toujours prêts à accorder une deuxième chance (une troisième à l'occasion) à ceux qui démontrent leur volonté de changer, d'améliorer leur comportement et de réintégrer à la collectivité.

Ce numéro d'*Actualités-Justice* porte sur le thème des mécanismes de surveillance des services correctionnels. Ceux et celles d'entre nous qui ont passé leur carrière au sein des services correctionnels fédéraux du Canada et qui ont eu l'occasion de visiter d'autres compétences seraient certes d'accord que notre système est caractérisé par une sécurité et une civilité relatives (qu'il pourrait parfois nous arriver de tenir pour acquis). Un système correctionnel n'est pourtant jamais parfait et une vigilance de tous les instants s'impose. Quand on s'arrête à penser que certains membres de notre société sont emprisonnés bien contre leur gré, qu'ils pourraient passer une vie entière dans un pénitencier fédéral et que leurs moindres activités quotidiennes et leurs déplacements peuvent être surveillés ou perturbés, il est d'importance critique qu'il y ait en place un système de freins et contrepoids. Concrètement, il doit exister une capacité de procéder à un examen par des observateurs externes objectifs lorsque des plaintes sont enregistrées ou lorsque des mauvais traitements sont allégués.

Ainsi, une commission d'enquête s'est penchée en 1971 sur des allégations de mauvais traitements infligés par des agents correctionnels à la suite de l'émeute du Pénitencier de Kingston. Conséquemment, le Bureau de l'enquêteur correctionnel a été créé en 1973. Mme Inger Hansen a été la première titulaire de ce poste et, par coïncidence, elle est décédée l'automne dernier, alors qu'on s'apprêtait à fermer le Pénitencier de Kingston pour de bon.

Ce numéro d'*Actualités-Justice* présente un long rapport de l'enquêteur correctionnel actuel, M. Howard Sapers, faisant état des faits saillants de ses 10 années remarquables à la barre du Bureau de l'enquêteur correctionnel du Canada. Vous y trouverez également plusieurs articles importants sur des sujets connexes, tel que le recours à l'isolement préventif et les problèmes que pose la consommation de drogues par des détenus en pénitencier.

Je ne peux pas conclure sans parler du décès d'un grand ami et collègue, Willie Gibbs. Non seulement a-t-il été président de l'ACJP de 2003 à 2005, il en a également été un membre très actif pendant plusieurs décennies. Bon nombre d'entre vous aurez eu la chance de le connaître. Willie a entamé sa carrière comme travailleur social, puis il s'est joint au Service correctionnel du Canada où il a gravi les échelons jusqu'au poste de sous-commissaire en 1993. Quatre ans plus tard, il est devenu président de la Commission nationale des libérations conditionnelles, poste qu'il a occupé jusqu'à sa retraite de la Fonction publique du Canada en 2000. Il ne s'est toutefois pas retiré du service public. Son engagement envers l'ACJP s'est poursuivi, tout comme son attachement à des politiques de justice pénale efficaces, ce qui l'a amené à devenir un membre fondateur du Réseau pour une justice éclairée au Canada.

Nous offrons nos condoléances à son épouse, Doreen; ses filles, Gisèle et Mélanie; ses petits-enfants et sa famille élargie très proche.

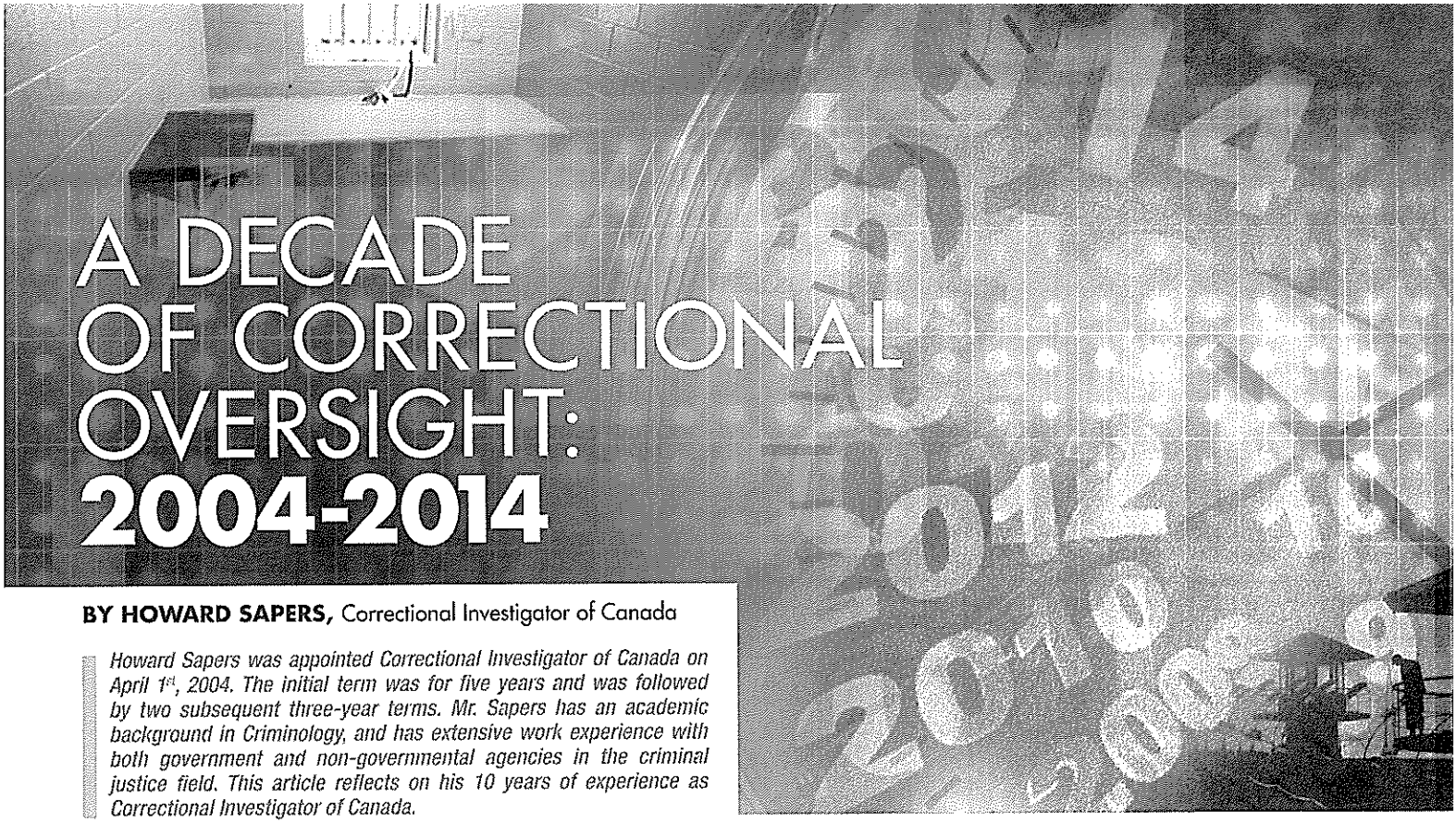
Il manquera à beaucoup d'entre nous!

BULLETIN DE L'ACJP

Avis

Le Bulletin de l'ACJP est adressé aux membres par courriel, tous les 2 mercredis. Si vous ne le recevez pas, il suffit de vérifier vos répertoires de pourriels/courriers indésirables et de nous ajouter à votre liste d'expéditeurs autorisés. Sinon, veuillez faire parvenir votre nouvelle adresse courriel à acjp-acjp@rogers.com.

Assurez-vous de ne rien manquer!



A DECADE OF CORRECTIONAL OVERSIGHT: 2004-2014

BY HOWARD SAPERS, Correctional Investigator of Canada

Howard Sapers was appointed Correctional Investigator of Canada on April 1st, 2004. The initial term was for five years and was followed by two subsequent three-year terms. Mr. Sapers has an academic background in Criminology, and has extensive work experience with both government and non-governmental agencies in the criminal justice field. This article reflects on his 10 years of experience as Correctional Investigator of Canada.

The Correctional Investigator serves as Ombudsman for federally sentenced offenders, those serving a sentence of two or more years. The primary function of the Office of the Correctional Investigator (OCI) is to investigate and bring resolution to individual offender complaints. The Office also has a responsibility to objectively review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaint to ensure that systemic areas of concern are identified and appropriately addressed.

An appreciation of the past ten years benefits from some understanding of Canadian correctional history and the role independent oversight has played. A synopsis of that history, from the inception of the Office in 1973 following the deadly 1971 Kingston Penitentiary riot, through the development of Canada's current correctional legislation in the early 1990's and Justice Arbour's Commission of Inquiry at the Prison for Women in 1995 to the preventable death of Ms. Ashley Smith in 2007, is provided in the 2007-08 Annual Report marking the Office's 35th Anniversary. This history informs on issues facing federal corrections and the relationship between the Office and the Correctional Service of Canada (CSC).

The Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during April 1971 recommended a Visitor's Committee for maximum security institutions in the Ontario Region. The Commission stated:

> The administration of a prison is a difficult, complex and much misunderstood task. It would not be our wish that a Visitor's Committee should interfere in that administration as such. We do, however, feel strongly that the presence of such a Visitor's Committee can be instrumental in defusing areas of legitimate grievance and assisting both the Administration and the inmates in rendering the machinery and life of the penitentiary suitable to its broad rehabilitative and custodial purposes. It is not desirable that such a Committee should exalt the expectations of the inmates or interfere with the day to day work of the prison. We are confident, however, that the existence of a Visitor's Committee can do much to allay suspicion, grievance, and assure the prompt rectification of legitimate complaints when they exist. We hope thereby that the possibility of a recurrence of the tragic events of April, 1971, will be made substantially more remote.
>
> In addition, it is not without importance to note that the presence of such a committee will enable the general public to have some assurance, to which they are entitled, that life, in the closed society that the prison is, is subject to those humane standards which the Government and the citizens of our country have every right to expect.

The concept of a Visitor's Committee, borrowed from the United Kingdom, was operationalized through the creation of the Office of the Correctional Investigator. The mandate of the Office, at first carried out under the authority of the Inquiries Act, was to provide oversight to all correctional operations, and not be limited to maximum security penitentiaries in Ontario.

Public attitudes, political climate, legal norms, policy objectives, evidence informed decision-making, resource competition and human rights expectations combine to create a complex environment in which corrections must operate. The legal and policy framework surrounding correctional practice represents a delicate balance between rights and responsibilities, between humane treatment and institutional security.

In 2004, the correctional issues agenda had in large part already been established. Long standing systemic issues of concern were:

- Aboriginal and women offenders;
- Access to mental health programming;
- Use of segregation;
- Institutional violence;
- Offender grievance process; and,
- Infectious diseases.

In addition, as evidenced by the following comment from the Office's 2002-2003 Annual Report, the working relationship with the Correctional Service, so vital to moving issues forward, was approaching an impasse:

> The Service's rejection of virtually all of my recommendations and the absence of any substantive proposals for addressing these issues represents a totally unreasonable embracing of the status quo. It further represents a failure to accept the significance of the areas of concern detailed or an acknowledgement of their past commitments to address these matters.
>
> My concern is that, without accountability on these matters, the Correctional Service will have license to continue to ignore both the substance of the issues raised and the specifics of the recommendations provided to address these matters.[1]

For those who have followed the activities of the Office over the past few years, neither the systemic areas of concern nor the decade old issue of correctional accountability should be a surprise. In 2004, there were a number of obvious challenges facing the Office. First, the number of significant, long-standing systemic issues were increasing - with little evidence of pending resolution. Second, the work load of the Office, which at the time had less than two dozen employees, was overwhelming. Annually in excess of 6,000 offender complaints were received. Staff spent more than 400 days a year in federal penitentiaries, conducting 2,500 inmate interviews. In addition, the Office was reviewing over 1,000 Use of Force Incidents on an annual basis. Third, the working relationship with the Service was fragile. Fourth, the public visibility of the Office, and by extension the critical issues impacting offenders, was, for the most part, limited to the twenty-four hour news cycle surrounding the tabling of the Annual Report.

It was against this backdrop that four key decisions were taken that would shape the future of the Office:

1. The organization and management of the Office was restructured to increase organizational accountability and to better focus resources on those systemic issues requiring vigorous follow-up, while ensuring that accessibility to the offender population was maintained;
2. Renewed emphasis on corrections as a human rights undertaking;
3. The tabling of the Annual Report would continue to serve as an opportunity for the Office to initiate an ongoing public dialogue on both the significant areas of concern facing corrections and the role of independent oversight in ensuring that these concerns are addressed in a reasonable and timely fashion, and that additional opportunities to engage the public would be pursued; and,
4. A Business Case was developed and presented to the Treasury Board to increase the budget for the Office to address mandate, accountability and reporting issues.

At its core, the role of an Ombudsman is to protect civil and human rights and enhance the accountability of public institutions. To facilitate this role, the Ombudsman must be, and be seen to be, independent. The Ombudsman must have unfettered access to the public institutions, inclusive of information, employees and facilities. The Ombudsman must be free, within the bounds of existing privacy legislation, to publicly report its findings and recommendations. There is, given that the Ombudsman's recommendations are not binding, a clear expectation that public institutions will provide a thorough, transparent and timely response.

Effective correctional oversight, because of the closed nature of the prison environment and the increased potential within this environment for human rights abuses, raises the bar on the requirement for a thorough and timely response to the findings and recommendations of the Ombudsman. In this closed environment, prison oversight further demands that the independence of the Ombudsman be unequivocal and respected by all parties.

The current legislation requires that the Correctional Investigator submit Annual Reports and Special Reports to the Minister of Public Safety, who then submits the Reports to both Houses of Parliament within 30 sitting days. The reporting relationship, through the Minister responsible for corrections, rather than directly to Parliament, has been an issue of debate since the Office was created in 1973. The Office's 2007-2008 Annual Report states that: "Reporting directly to Parliament is more consistent with the traditional role of ombudsman offices and would help ensure that the Office's independence is never questioned." The report further recommended: "That as part of any review of the *Corrections and Conditional Release Act*, the Minister propose that the Office of the Correctional Investigator report directly to Parliament." To date, this recommendation has not received a positive response.

In large part, the effectiveness of independent oversight is dictated by the willingness of the government agency to respond publicly and fully to the findings and recommendations placed before it. It

is seldom the number, complexity or seriousness of the issues in question that undermines the effectiveness of the working relationship. Rather, it is the failure to address the issues raised in a thorough and objective fashion that hinders lasting improvements and sustained positive change.

In April 2007, the Minister of Public Safety appointed an Independent Panel to examine the Correctional Service's operational policies, strategies and business plans in order to determine future direction. The Panel's report, A Roadmap to Strengthening Public Safety, was released eight months later in December 2007. It included 109 recommendations focused on five key themes:

1. Offender accountability;
2. Elimination of drugs from prisons;
3. Offender employment and employability;
4. Physical infrastructure; and,
5. Elimination of statutory releases and movement towards earned parole.

The March 2008 Federal Budget funded CSC's Office of Transformation to examine the Panel's recommendations and develop action plans. From that point forward, the Correctional Service's focus on reviewing issues was largely governed and limited by the five key themes of the Panel's Report.

In the Office's 2009-2010 Annual Report, in commenting on the Correctional Service's Transformation Agenda, it is noted that the proposed series of reforms, absent of careful reflection and consideration, could fundamentally alter the nature of the federal correctional system as we know it:

> I am particularly concerned that the underlying principles that have guided correctional practices and operations since the enactment of the *Corrections and Conditional Release Act* in 1992 do not seem to hold the same currency as they once did – the notion of the "least restrictive" measure, the recognition that prisoners actually have retained rights, the idea that the correctional authority has a duty to act fairly or that supervised and gradual community release is far safer than release at warrant expiry.
>
> To be clear, my Office is not against holding offenders to account for their criminal behaviour nor with providing incentives to those who are motivated to change or who have gained insight into those aspects of their personality or life style that brought them into conflict with the law in the first place. But we need to get change and reform right, as the health and welfare of our federal inmates is an important public policy issue. Today's decision will impact the lives of individuals, our communities and the public purse for decades to come.

In recent years, a rush of criminal justice bills has been tabled and given Royal Assent. The overall impact of these legislative changes has meant: diminished judicial discretion through the provision of increased mandatory minimum sentences; creation of a series of new offences; limited access to pardons (now known as "Record Suspensions"); a reduction in the frequency and legislatively mandated reviews for conditional release consideration; and, the rewording of the principles of the CCRA. The end result of these measures has been predictable – a harshening of the prison environment, an increase in the prison population and in the amount of time served prior to release.

A look at some correctional statistics, demographics and outcomes will give an overview of some of the changes and challenges over the past decade:

- The overall offender population has increased by 17.5%; the Aboriginal offender population has increased by 47.4%;
- The proportion of Aboriginal inmates has increased from 18.2% to 24%. (Aboriginal people make up only about 4% of the general Canadian population);
- The black offender population has increased by 83% and now represents nearly 10% of the total federally incarcerated population;
- The Caucasian offender population has decreased by 4%;
- The federally sentenced women offender population has increased by 66.8%; the Aboriginal women offender population has increased by 112%;
- On the community side, the supervised population increased by a mere 4.6%; day and full Parole releases used to account for 31% of all releases – that number has fallen to 26.2%;
- Currently 71% of all inmates released are on statutory release – up from 65%;
- Since March 2009, the proportion of inmates double bunked (two placed in a cell designed for one) went from 9.9% to 19.2%;
- Use of force incidents have increased by 91%; use of pepper spray during these incidents has increased from 89 to 1,304;
- Incidents of self-injury have increased by 236%; and,
- The number of inmate assaults has increased by 124% with assaults on staff increasing by 66%.

In 2013-14, the Office's team of investigators spent more than 400 cumulative days in federal penitentiaries and conducted more than 1,800 on-site interviews. Last year the Office conducted more than 1,700 use of force reviews (the highest number ever) and completed 185 mandated reviews (deaths in custody, assaults and serious bodily injury). In addition to handling close to 5,500 offender complaints, the Office also responded to more than 18,500 calls on its toll free network. Last year, more than 7 million "hits" were received on the Office's website indicating a fairly high level of public interest in the Office's work.

In conducting a regular schedule of visits by investigative staff, the investigators assigned to the institutions develop a professional relationship and rapport with both operational staff and offenders. A regular presence in the facilities helps ensure follow-up and timely access to Ombudsman services at the site level. Some of the Office's most important and impactful work occurs at the institutional level through the everyday resolution of individual issues, complaints and concerns.

While resolving individual complaints meets the immediate needs of inmates, progress has been more limited with regard to enduring systemic issues. This discussion will now focus on two such issues to illustrate areas where more responsiveness is required.

DEATHS IN CUSTODY

The death of an individual in the care and custody of the state requires a thorough and objective independent review to ensure that the mistakes of the past are not repeated.

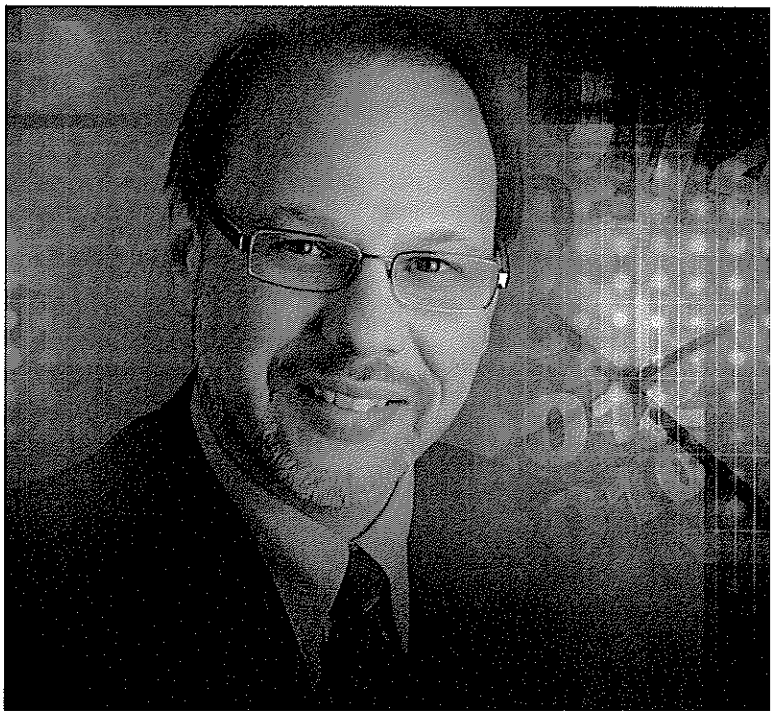
In 2003, the Office was involved in the review of an offender death in a segregation cell where staff had failed to reasonably respond. The review concluded that the Service's internal investigation was, at best, self-serving. As a result of the Office's involvement, the matter was eventually referred, by the Service, for independent review. The Report of the Special Investigation, chaired by a former Deputy Minister of Justice, concluded that the incident was not seriously analysed by CSC and there was no attempt to learn from it in order to better manage similar incidents in the future. It concluded that "the will of several people in authority to get to the bottom of things gave way to the easy way out, of refusing to face the reality of the situation with all its problems or to take the necessary corrective measures". The Report was never publicly released by the Service.

In 2006, the Office undertook a review of all 'non-natural' deaths in federal custody – identified as suicides, homicides, overdoses or accidental – over a five year period. Examining 82 such fatalities, the Deaths in Custody Study was submitted to the Correctional Service in February 2007 and publicly released in July of that year. The Study found that the Service had consistently failed to incorporate lessons learned or implement corrective action, that it resisted or failed to act reasonably on a larger portion of coroners' findings and recommendations, and that it fell short in implementing its own policies and practices that called for doing everything possible to avert a fatality.

The following year the Office conducted two detailed investigations involving inmate deaths. In May 2008, the OCI issued A Report on the Circumstances Surrounding the Death of a Federal Inmate: A Failure to Respond and in June of that same year, the Office released its report on the tragic death of Ms. Ashley Smith, entitled A Preventable Death. As a follow-up on the issues raised by these reports, prevention of deaths in custody has been highlighted in every Annual Report since 2007.

In the Office's 2013-14 Annual Report, it is noted that 536 inmates have died in federal penitentiaries in the ten-year period between 2003 and 2013. The majority (two-thirds) died from natural causes (cancer, cardiovascular disease), followed by suicide (16.4%), homicide (5.6%), overdose (3.7%) and 7.1% from undetermined cause. In recent years, the Office has raised concern with the thoroughness, objectivity and timeliness of the Service's Mortality Review Process (or MRP), which is designed to investigate natural cause deaths. In February 2014, the Office's investigation of the MRP was released which concluded that the process: "... was flawed and inadequate. It is not carried out in a timely and rigorous manner as required by law. It fails to thoroughly establish, reconstruct or probe the factors that may have contributed to the fatality under review."

As there is currently no independent, high level mechanism in Canada to review deaths in custody, the Office's 2012-13 Annual Report recommended: "That the Minister of Public Safety create an independent national advisory forum drawn from experts, practitioners and stakeholder groups to review trends, share lessons learned and suggest research that would reduce the number and rate of deaths in custody in Canada." A detailed response to this recommendation is forthcoming.



ABORIGINAL OFFENDERS

The overrepresentation of Aboriginal Canadians in Canadian prisons and jails has been well documented and remains a stain on our domestic human rights record. In the Office's 2003-04 Annual Report, two recommendations were directed to the Minister on this topic:

- First, that the Minister appoint a Deputy Commissioner specifically responsible for Aboriginal programming and liaison with Aboriginal communities, as a permanent voting member of all existing Senior Management Committees, to ensure an Aboriginal perspective and presence in CSC decision-making;

- Second, that the Minister initiate an evaluation of CSC's policies, procedures and evaluation tools to ensure that existing discriminatory barriers to the timely reintegration of Aboriginal offenders are identified and addressed. This review should be undertaken independently of CSC, with the full support and involvement of Aboriginal organizations, and report by March 31, 2005.

Neither of these recommendations was actioned. The Service, instead of appointing a Deputy Commissioner, expanded the role of its Senior Deputy Commissioner to include Aboriginal issues. In place of the "independent" Ministerial evaluation of barriers to timely reintegration, the Service developed an internal Strategic Plan for Aboriginal Corrections.

These measures were seen to be inadequate and provided cause for the 2006 Annual Report to re-iterate the recommendation that the Service reconsider the decision not to appoint a Deputy Commissioner for Aboriginal Offenders and that it report publicly, on an annual basis, its progress in implementing its Strategic Plan for Aboriginal Corrections. In its subsequent Annual Report, the Office noted that three years after the rejection of the recommendation to appoint a Deputy Commissioner, the gap in 'correctional outcomes' between Aboriginal and other offenders continued to grow. The report also noted that little progress had been made with respect to the Service publicly reporting on the impact of the Strategic Plan for Aboriginal Corrections.

The 2008-09 Annual Report further concluded that attaching responsibility for Aboriginal Corrections to the Senior Deputy Commissioner's already large portfolio did not do justice to the scope of the problem and the prominence that the issue demands. Again, a recommendation was issued for the Minister to direct the Service to appoint a Deputy Commissioner for Aboriginal Corrections. Once again, the recommendation was not acted on. The Office's 2009-10 Annual Report stated the following:

> The disturbing reality of Aboriginal overrepresentation in Canadian correctional populations is well-known. Aboriginal people — First Nations, Métis and Inuit — comprise less than 4% of the Canadian population but account for 20% of the total federal prison population. On any given day, approximately 2,600 Aboriginal offenders are incarcerated in federal prisons. In the case of Aboriginal women offenders, the situation is even worse. Aboriginal women offenders comprise 33% of the total inmate population under federal jurisdiction. The Aboriginal women offender population has grown by almost 90% in the last ten years, and it is the fastest growing segment of the offender population. The Office's work in this area of corrections continues to document the inequitable and differential outcomes for Aboriginal offenders resulting from federal correctional policies and practices.

In November 2009, the Office released Good Intentions, Disappointing Results: A Progress Report of Federal Aboriginal Corrections (a review of recent CSC activities in regard to Aboriginal offenders). It found that Aboriginal offenders tended to be:

- Released later in their sentences (lower parole grant rates);
- Overrepresented in segregation populations;
- More likely to have served previous youth sentences;
- More often held to warrant expiry resulting in no community supervision;
- Classified on a higher risk and need level; and,
- More likely to re-offend and have their conditional release revoked.

In March 2013, the Office released Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act. The report concluded that the legislative provisions, which provided the Minister with the authority to enter into agreements to transfer the care and custody of an Aboriginal offender to an Aboriginal community facility, were grossly underutilized; and that the involvement of Aboriginal communities in reintegration planning was bogged down by an excessively complex, bureaucratic and time-consuming exercise that was not well understood by anyone. This report was submitted to the Service in October 2012. By January 7, 2013, the report had not received a response and the Minister was approached to intervene. He invited the Office to submit the report to be tabled in Parliament pursuant to the Special Report provisions of the CCRA. Spirit Matters was finally tabled on March 7, 2013.

The response ultimately received from the Service to the report's recommendations lacked substance. As a result, the 2012-13 Annual Report stated that "CSC's response did not meet the urgency, immediacy or importance of the issues" that this Special Report to Parliament warranted. The Office shared its concerns with the response with the Minister and recommended that the Service publish an update to its responses to Spirit Matters in collaboration and consultation with its National Aboriginal Advisory Committee. Seven months later, the Service advised the Office that no further response would be provided.

The Memorandum of Understanding between the Office of the Correctional Investigator and the Correctional Service of Canada, signed in 2000, reads in part: "The CSC and the OCI believe

that openness, good faith, respect, cooperation and effective communications characterize a good working relationship." Since 2002-03, in support of an effective working relationship, the response of the Correctional Service to the recommendations of the Office's Annual Reports has been included in the Annual Report. This process promotes transparency and accountability and is consistent with the practices of other oversight agencies such as the Auditor General. In February 2013, the Office was advised that this practice had ended. The Government of Canada will now respond to the recommendations only after the Office's reports have been tabled in Parliament.

The Office, those under sentence, their families, Parliament and all Canadians deserve to know, in a timely fashion, how CSC responds to recommendations aimed at ensuring fairness and compliance with law and policy. The 2012-2013 Annual Report – which was provided to both the Minister and the Service in June 2013, stated: "In the interest of transparency and accountability, I recommend that the best practice of including the Correction Service of Canada's response as an integral part of my reports tabled in Parliament be reinstated." In February 2014 – some eight months after receiving the report – CSC rejected the recommendation, saying in total: "CSC will continue to produce a response to the annual report. However, the timing of the release will depend upon the internal review process to ensure a complete and thorough response."

CONCLUSION

External oversight continues to be necessary for the maintenance of a safe, humane and accountable correctional system. There exist sound reasons why the rule of law follows an offender into prison. From classic Roman law, there is a norm that there should be no punishment outside the law. Independent oversight is a means to uphold this ideal. In 1970, in a decision regarding the jurisdiction of the provincial Ombudsman in Alberta, then Chief Justice Mulvain of the Supreme Court of Alberta, wrote that the Ombudsman: "[...] can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds. If his scrutiny and observations are well founded, corrective measures can be taken in due democratic process, if not, no harm can be done in looking at that which is good."

When the lamp of scrutiny illuminates maladministration, Ombudsmen report and recommend a resolution. Public bodies in advanced democracies must welcome such independent scrutiny with respect and responsiveness. The Office continues to pursue its mandate in that spirit and that hope.••

RÉSUMÉ

A DECADE OF CORRECTIONAL OVERSIGHT: 2004-2014

Par Howard Sapers, l'enquêteur correctionnel du Canada

Établi en 1973, le Bureau de l'enquêteur correctionnel sert d'ombudsman pour les délinquants sous responsabilité fédérale, ceux qui purgent une peine de deux ans ou plus. À titre d'organe de surveillance, le Bureau est indépendant du Service correctionnel du Canada et rend des comptes au Parlement par l'entremise du ministre de la Sécurité publique. À l'heure actuelle, l'enquêteur correctionnel est M. Howard Sapers, qui a été nommé pour la première fois en avril 2004. Le présent article porte sur son expérience de dix ans comme enquêteur correctionnel du Canada.

The Correctional Investigator Canada
L'Enquêteur correctionnel Canada
PLEASE SEND ANY REMARKS, OR A COMMENTARY, REGARDING THIS ARTICLE
to Justice Report Editor Nancy Wright:
ccjapubsacjp@gmail.com
and keep your eye out for the Notices/Feedback section in future issues!
VEUILLEZ ADRESSER TOUT COMMENTAIRE RELATIF À CET ARTICLE
à l'éditrice de l'Actualité-Justice, Nancy Wright :
ccjapubsacjp@gmail.com
Demeurez à l'affût de la section Avis/commentaires dans les numéros à venir.

A SHORT HISTORY OF THE OFFICE OF THE CORRECTIONAL INVESTIGATOR

As the Ombudsman for federally sentenced offenders, the Office of the Correctional Investigator serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the Correctional Service of Canada by providing accessible, impartial and timely investigation of individual and systemic concerns.[1]

CREATION OF THE OFFICE

The Office of the Correctional Investigator was established in 1973 in response to the Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during April, 1971. The Commission found that the Canadian Penitentiary Service (as the Correctional Service of Canada was known at the time) lacked an effective system to raise or redress legitimate inmate grievances. There was no credible recourse to review actions or decisions of correctional authorities and no mechanism to bring public attention to conditions of detention or treatment that was described as sometimes callous, abusive or degrading. The Commission identified the need for an independent body to address inmate complaints in a timely and accessible manner.[2]

EARLY YEARS

Ms. Inger Hansen was appointed the first Correctional Investigator by then Solicitor General of Canada, the Honourable Warren Allmand, on June 1, 1973.[3] In its first year, with a staff complement of four, the Office addressed 782 inmate complaints on a wide variety of issues covering: conditions of confinement, transfers, health care, dissociation (now known as administrative segregation), visits and correspondence. In the four years that Ms. Hansen was Correctional Investigator, the number of inmate complaints increased by more than half, requiring the addition of several staff members to focus specifically on investigations and complaint resolution.

From 1973 to 1992, the Office operated under provisions of the *Inquiries Act* with the Correctional Investigator exercising the powers and authorities of a permanent Commissioner under that legislation. In her first Annual Report, Ms. Hansen noted that the Office should be governed by separate and dedicated legislation and that the Correctional Investigator should report directly to Parliament rather than through the Minister. The Office's reporting relationship to the Minister and Parliament would be raised on a number of occasions over the next 40 years.

CONSOLIDATION

In November 1977, Ron Stewart, a former member of the Grey Cup winning Ottawa Rough Riders and graduate of the law program at the University of Ottawa, was appointed Correctional Investigator, a position he would hold until his retirement in 2003. Under Mr. Stewart's long tenure, the Office consolidated its human and financial resources as the number of offender complaints grew. In 1979, the Canadian Penitentiary Service became the Correctional Service of Canada (CSC). The promulgation of the *Canadian Charter of Rights and Freedoms* in 1982 was an important reference point for the recognition, promotion and protection of inmate rights in Canada. Significantly, the *Corrections and Conditional Release Act* (CCRA), promulgated in 1992, was one of the first major pieces of federal legislation to entrench *Charter* principles.

Under Part III of the CCRA, the Office of the Correctional Investigator was formally and legally recognized, and given a mandate "to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions" of the CSC that affect offenders either individually or as a group. The legislation protects the independence of the Office, ensures confidential communication between the Office and offenders and provides for access to all documents and facilities under the control or management of the Service. It was under the tenure of Mr. Stewart that Section 193 provisions of the CCRA *(Special Report to Parliament)* were first used to document the treatment of women inmates at the Prison for Women in April 1994, which prompted a Commission of Inquiry led by Madame Justice Arbour. This provision would not be used again until March 2013 when the Office issued a report on Aboriginal corrections entitled Spirit Matters.

THE OFFICE TODAY

On February 24, 2004, Mr. Howard Sapers was first appointed to the position of Correctional Investigator. Mr. Sapers has been subsequently reappointed twice. In the decade that he has been in the position, the Office has continued to develop capacity, increasing its staff complement to 36 full-time employees. The Office has gained domestic and international recognition for its work in mental health and corrections, prevention of deaths in custody, as well as issues impacting Aboriginal, women, Black, self-injurious and elderly offenders. The Office has published several prominent public interest reports and investigations, including a report on the preventable death of Ashley Smith. In 2013-2014, the Office:

- Received more than 18,800 toll-free telephone calls/inquiries.
- Addressed more than 5,400 offender complaints.
- Conducted more than 1,700 use of force reviews.
- Interviewed more than 1,800 offenders.
- Conducted 185 legislated reviews of serious incidents involving assault, self-injury, death in custody and attempted suicide.
- Spent a cumulative total of 423 days visiting federal penitentiaries.

[1] Mission Statement of the Office of the Correctional Investigator.

[2] Report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary during April, 1973. Chair: J.W. Swackhamer, Q.C. (April 1972).

[3] Ms. Hansen grew up in Nazi occupied Denmark and immigrated to Canada in the early 1950s. In Canada, she pursued a law degree at the University of British Columbia and later came to work with the Federal Department of Justice specializing in issues related to penitentiary services and inmate rights. In a series of firsts, Ms. Hansen would later become Canada's first Privacy Commissioner (1977) and Information Commissioner (1983). She was appointed to the Ontario Court of Justice in 1991. Justice Inger Hansen died in September 2013 at age 84.

DEATHS IN CUSTODY UPDATE

BY IRVING KULIK, Executive Director,
Canadian Criminal Justice Association (CCJA)

A number of years ago, Howard Sapers, the Correctional Investigator, reported upon the incidence of deaths among inmates in federal correctional institutions. Suicides in particular have been a long term challenge for Corrections Canada and although various initiatives and research projects have been undertaken over the years, year after year, about a dozen inmates lose their lives at their own hands.

This is by no means a uniquely federal phenomenon nor indeed only a correctional one. Self inflicted deaths as well as injuries suffered while under restraint, in police custody or hospital settings, is a common occurrence throughout the world. Some countries have been more successful than others but, no simple solutions exist. In order to bring together Canadian knowledge and expertise from a number of areas, Mr. Sapers initiated a series of roundtables several years ago with representation from CSC, mental health, coroners, provincial corrections, police research and CCJA.

In 2012, we at CCJA did some modest follow-up work sponsored by Public Safety Canada. There is no doubt that concerns are shared by all the players in criminal justice however, and unfortunately, because of all kinds of other challenges and budgetary concerns, we have not been able to make this a national priority. While CCJA is not involved in direct client service, we do feel that we can assist in at least sharing available information that can be of benefit to the larger criminal justice community. We also believe that the best way to reduce the number of such deaths is by sharing information openly and freely among criminal justice and mental health agencies across Canada.

The United Kingdom has a standing Independent Advisory Panel (IAP) on Deaths in Custody, which makes its recommendations to the Ministerial Board on Deaths in Custody chaired by the Parliamentary Under-Secretary of State at the Ministry of Justice. The panel also produces E-bulletins updating organizations on the progress of their projects and details regarding its forthcoming meetings. Suffice it to say this is a very high profile and influential group.

A number of recommendations from the latest IAP review should be of value for consideration in the Canadian context:

The Panel would like to see custodial organisations using themes to identify key issues for change and have recommended that **"the Chief Coroner's office should develop a fully searchable, publicly accessible, database of all death in custody... reports, which includes sufficient information to identify themes and trends for inclusion in the annual report to Parliament. The information should also be accessible to custodial organisations and other relevant organisations for the purposes of learning and research. Processes need to be put in place to ensure that all reports and responses are recorded on the database".**

"...Training for coroners should include guidance about when ... reports should be made to promote greater consistency."

"...the IAP in conjunction with members of the Ministerial Board [...] to identify organisations that should be routinely copied to [...] reports in order to support and monitor implementation of the learning – and to pass on details of this suggestion to the Chief Coroner."

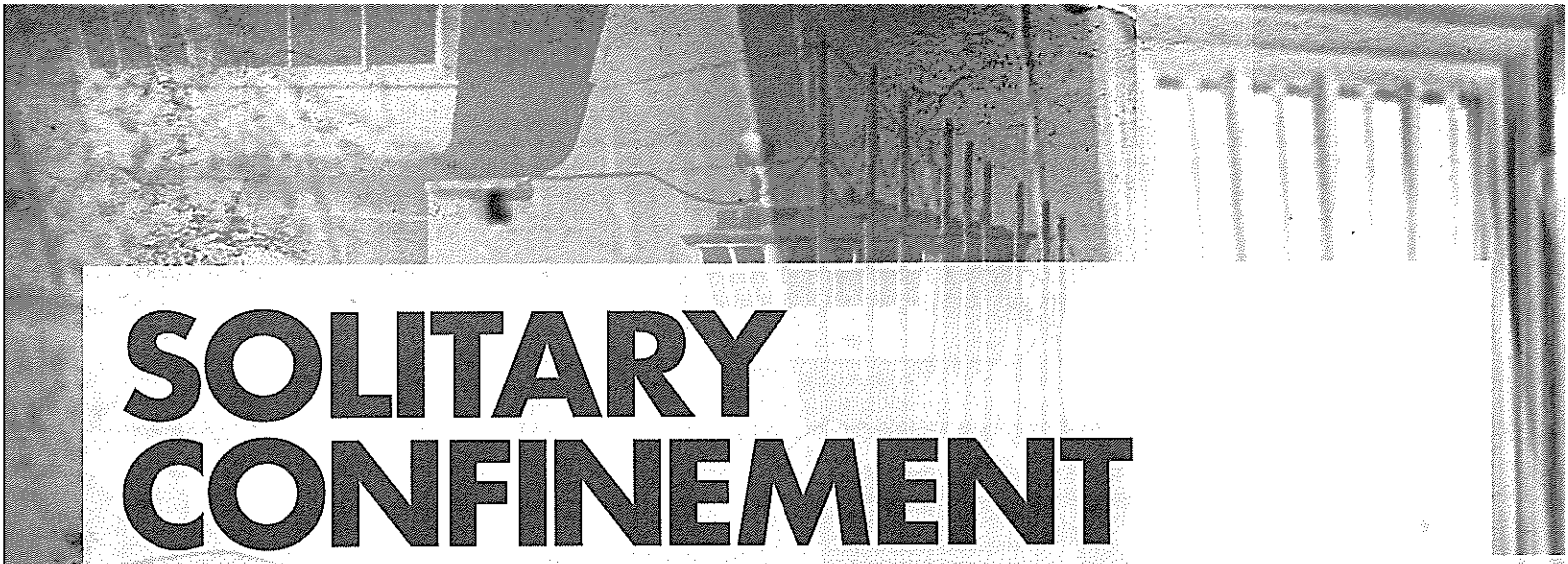
Do these recommendations not apply equally in Canada? Of course the organization of criminal justice agencies, mental health and the police are different in the UK from Canada. Given the size of Canada and the number of jurisdictions we have makes unified action so much more complex. On the other hand, the preservation of human life is a responsibility of all and worth great effort. If we can begin by agreeing to report deaths in custody in a comprehensive, if not uniform manner, share these across the country, analyze the results, and finally, use these as teaching tools for staff at all levels, significant progress will be achieved.••

RÉSUMÉ

DEATHS IN CUSTODY UPDATE

Un article d'Irving Kulik, directeur général de l'Association canadienne de justice pénale (ACJP)

Irving Kulik se penche dans cet article sur les décès de détenus et détenues dans des établissements correctionnels fédéraux du Canada; il le fait dans le cadre d'une série de tables rondes organisées par l'enquêteur correctionnel du Canada, auxquelles étaient représentés le Service correctionnel du Canada, des intervenants en santé mentale, des coroners, des services correctionnels provinciaux, des chercheurs du domaine policier et l'Association canadienne de justice pénale (ACJP). Kulik souligne que les décès par suicide sont une préoccupation particulière pour Service correctionnel Canada, mais que d'autres enjeux et des difficultés budgétaires ont empêché qu'on ne leur accorde un niveau de priorité plus élevé sur le plan national. L'ACJP avance que le partage d'information dans l'ensemble des systèmes de justice pénale et de santé mentale pourrait avoir une influence sur le cours des choses. Ainsi, Kulik attire l'attention sur l'*Independent Advisory Panel* (IAP) on Deaths in Custody du Royaume-Uni, un comité très prestigieux et influent qui formule des recommandations à l'intention d'une commission ministérielle sur les décès en établissements, une commission présidée par le sous-secrétaire d'État du ministère de la Justice. Ce comité produit aussi des bulletins électroniques visant à informer les organisations du progrès de leurs projets et des détails relatifs aux réunions .



SOLITARY CONFINEMENT

CINDY WHITTEN-NAGLE, B.A., M.Sc., Ph.D. Candidate

SOLITARY CONFINEMENT, ALSO KNOWN AS SEGREGATION, IS A SPECIAL FORM OF IMPRISONMENT COMMONLY USED THROUGHOUT CORRECTIONAL FACILITIES ACROSS MANY COUNTRIES INCLUDING THE UNITED STATES AND CANADA. IT GENERALLY INVOLVES PLACING AN INMATE IN A SINGLE CELL CONSISTING OF A TOILET, SINK, BED AND SOMETIMES A DESK WITH SPECIFIC RESTRICTIONS AND CONSTANT SURVEILLANCE[1]. INMATES ARE USUALLY ISSUED INSTITUTIONAL CLOTHING AND THEIR PERSONAL ITEMS OFTEN REMOVED.

Solitary Confinement dubbed *the hole*... and for good reason

Solitary Confinement has been dubbed "the hole" by inmates and prison officials alike, and for good reason. When inmates are segregated in solitary confinement they often experience a lack of natural light, a substantial decrease in human interaction and constant sensory deprivation. It is quite common for an inmate in segregation to be locked in their cell approximately 23 hours per day, with an hour allotted for recreation and possibly a shower. Such inmates will likely eat all meals in their cell; some may occasionally be authorized to attend rehabilitative programming, but this depends on their security risk level and institutional conduct.

Prolonged solitary confinement in "Supermax" prisons boasting increased punitive environments first in USA, now in Canada...

Despite the noted adverse conditions of isolating inmates, there appears to be a growing trend in North America with the development of "Supermax" prisons. Super-maximum security prisons boast increased punitive environments with prolonged solitary confinement for the inmate population. The development of the Supermax prison emerged from the United States following the murder of two correctional officers at a maximum security penitentiary in Marion, Illinois following inmate rioting. In October of 1983 a week-long inmate riot took place, resulting in a prolonged emergency lockdown of the entire institution; a lockdown that has never yet been lifted. This permanent lockdown led corrections departments across the United States to implement systematic lockdowns for security reasons, which subsequently led to the creation of a new incarceration approach known as "Super-Maximum" security prisons[2].

This trend quickly followed in Canada. While the use of solitary confinement is used as a last recourse in Canada, it is commonly practiced on a variety of levels. Mr. Howard Sapers, Correctional Investigator of Canada, i.e. the Ombudsman for federally sentenced offenders, reports there were 8,221 federal inmates in segregation across Canada in 2012-2013 and that many of those inmates were suffering from mental health problems and one third were Aboriginal[3].

The Special Handling Unit (SHU) in Quebec: a federal correctional facility characterized by constant inmate segregation – One of its kind in Canada

Many Canadian correctional institutions have designated a specific unit for this type of imprisonment; however, there is one prison in Quebec, the Special Handling Unit (SHU), which is characterized by constant inmate segregation. The SHU is a federal correctional facility that houses inmates who pose such a high risk to other inmates and staff they cannot be housed in maximum security institutions. Quebec's SHU is located in Ste-Anne-Des-Plaines and was built in 1984; this facility houses approximately 90 inmates in cells that are distributed into five wings with two units per wing[4]. Even contact with staff is very limited (given the danger potential of these inmates), and several cameras have been installed for maximum detection and supervision. The average age of the typical inmate housed in SHU is thirty-four, and the majority of these inmates arrive from maximum security institutions after being involved in serious incidents that demonstrate they are not manageable under ordinary security measures[5]. The dull monotonous

environment that generally characterizes solitary confinement has proven to have multifarious and long-lasting negative effects for many inmates.

Sensory deprivation in "the hole"

Given the perpetual sensory deprivation, many inmates experience a number of adverse effects of solitary confinement. As explained in The Torture of Solitary (Griest 2012), an inmate recalls that in order to survive life in solitary confinement, you must be vigilant and take control of your thoughts before " they grip hold of you". Many isolated inmates in solitary confinement report eventual hallucinations, delusions and psychomotor excitation[6]. One particular study showed that, while many inmates initially denied or minimized the effects of solitary confinement, most did eventually acknowledge generalized hyperresponsivity to external stimuli and difficulty with thinking, memory, concentration and impulse control[7]. A provincial inmate explained that, upon release after serving years in solitary confinement, he felt paranoid and often walked with his back to the wall; similarly, he reported difficulties in social situations and had difficulty trusting anyone[8]. Additionally, he commented that he did not participate in rehabilitative programming or speak with a counsellor during his stay in solitary confinement because he did not want to be around anyone and feared everyone was "out to get him". He explained he has experienced these negative effects from serving over four years in solitary confinement since his release about two years ago and feels, sadly, that he will likely always feel somewhat paranoid and introverted[9].

The negative effects of solitary confinement can hinder the process of rehabilitation and reintegration

As indicated by this offender, the negative effects of solitary confinement can hinder the process of rehabilitation and reintegration. Some offenders, especially those with mental health issues, cannot suffer through the pains of isolation and solitary confinement, which may instead exacerbate their mental health conditions. Ashley Smith died at the Grand Valley Institution for Women in Kitchener, Ontario, on October 19, 2007 after self-asphyxiating in her segregated cell. Smith was a problematic inmate who accumulated more than 800 incident reports, over 500 institutional charges and over 150 self-harm incidents. Additionally, Ms. Smith was moved 17 times between 9 different federal correctional facilities[10].

Coroner's inquest jury ruled Ashley Smith's death a homicide

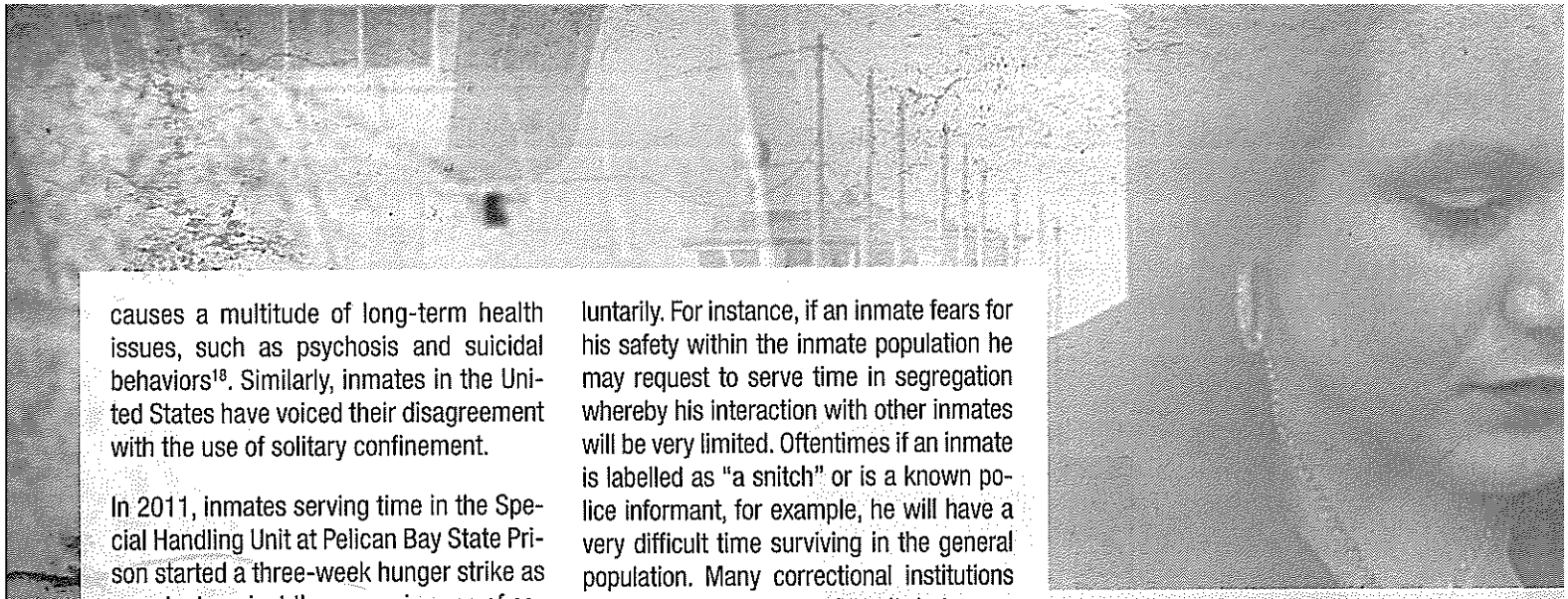
A coroner's inquest jury has ruled Ashley Smith's death a homicide while the Smith family is calling for an investigation into who ordered prison guards not to intervene when the inmate had something tied around her neck[11]. A report, which was made known in 2010, concluded that her death was accidental and actually the result of a desperate attempt at attention and interaction after she had been housed in solitary confinement for several months[12]. Correctional Investigator Howard Sapers argues that Correctional Services staff failed to respond to Smith in an urgent manner which subsequently resulted in her death[13]. A report by Correctional Service Canada claimed that Smith's mental health issues had not been adequately addressed in any institution where she was incarcerated[14]. Unfortunately, Smith's issues are not uncommon and, in fact, many inmates report difficulties while being housed in isolation.

Bobby Lee Worm: over three years in "the hole"

Another Canadian inmate, Bobby Lee Worm, who was housed in solitary confinement in British Columbia for over three years, explains that doing time in "the hole" is difficult. She argues that solitary confinement "...breaks a person's will to live" because being locked up in such a small isolated area causes a person to "lose their mind"[15]. Worm explains that the only human interaction she experienced while segregated was through a food slot in her cell's door. Furthermore, she suggests that solitary confinement caused her to have more trouble in prison and that being housed in "the hole" only made her worse[16].

B.C. Civil Liberties Association

The B.C. Civil Liberties Association filed a lawsuit against Correctional Service Canada on behalf of Bobby Lee Worm. A lawyer for this association, Grace Pastine, claims that there are now some restrictions on the use of solitary confinement, but an average of 800 inmates a day in Canada are housed in segregation[17]. Pastine argues that solitary confinement



causes a multitude of long-term health issues, such as psychosis and suicidal behaviors[18]. Similarly, inmates in the United States have voiced their disagreement with the use of solitary confinement.

In 2011, inmates serving time in the Special Handling Unit at Pelican Bay State Prison started a three-week hunger strike as a protest against the excessive use of solitary confinement in the United States. As explained in Solitary is Cruel and Unusual, over 500 inmates at this institution have been held in solitary confinement for over a decade, having been locked in their cells for 22-24 hours per day[19]. Despite the negative effects of solitary confinement, there are many reasons why justice departments employ this incarceration method.

A multitude of reasons why an inmate is segregated

The use of segregating inmates may certainly vary based on the reason for placing the inmate in "the hole" and on each correctional institution's policies and procedures. Therefore, there exists a multitude of reasons why an inmate is placed into solitary confinement; these reasons can be voluntary or involuntary. Commonly, inmates are segregated in solitary confinement in order to increase supervision via a 24-hour camera system; this can be done as a safety precaution for those inmates who are suicidal or dangerous to other inmates and/or staff. Another common reason to place an inmate in segregation is for disciplinary reasons; if an inmate breaches the prison's rules and regulations he may be segregated for a specified period of time during which he loses his privileges and will possibly have to be reclassified in terms of his security rating.

An inmate may also be segregated due to infectious contagious diseases that could jeopardize the health of the inmate population or correctional staff. Additionally, inmates can go into solitary confinement voluntarily. For instance, if an inmate fears for his safety within the inmate population he may request to serve time in segregation whereby his interaction with other inmates will be very limited. Oftentimes if an inmate is labelled as "a snitch" or is a known police informant, for example, he will have a very difficult time surviving in the general population. Many correctional institutions have a protective custody unit, but some inmates cannot even survive on these wings depending on their background. Similarly, some inmates with mental health issues who need a "time out" will request to temporarily be housed in segregation. Those inmates who serve the majority of time housed in solitary confinement generally differ from the rest of the inmate population on a variety of dimensions.

Inmates placed in solitary confinement are characteristically different from other inmates

Studies show that offenders who are placed in solitary confinement are characteristically different than those inmates who are not; these differences are significant and expansive. Segregated inmates generally have more extensive criminal histories and are twice as likely as non-segregated offenders to have been in segregation for disciplinary reasons during previous prison terms[20]. Furthermore, inmates who frequent segregated housing units tend to have low educational levels coupled with high unemployment rates[21]. These inmates also tend to be single, socially isolated having only criminal acquaintances and often find communicating with others difficult[22]. Furthermore, this category of inmates are poor at conflict resolution, are thrill seeking and very manipulative[23]. According to Griffiths (2013), male inmates in Canada who are housed in segregation tend to have high security ratings, low reintegration potential and are engrained within the inmate subculture. Additionally, Griffiths (2013), Aboriginals are overrepresented among female inmates in Canada's segregation units.

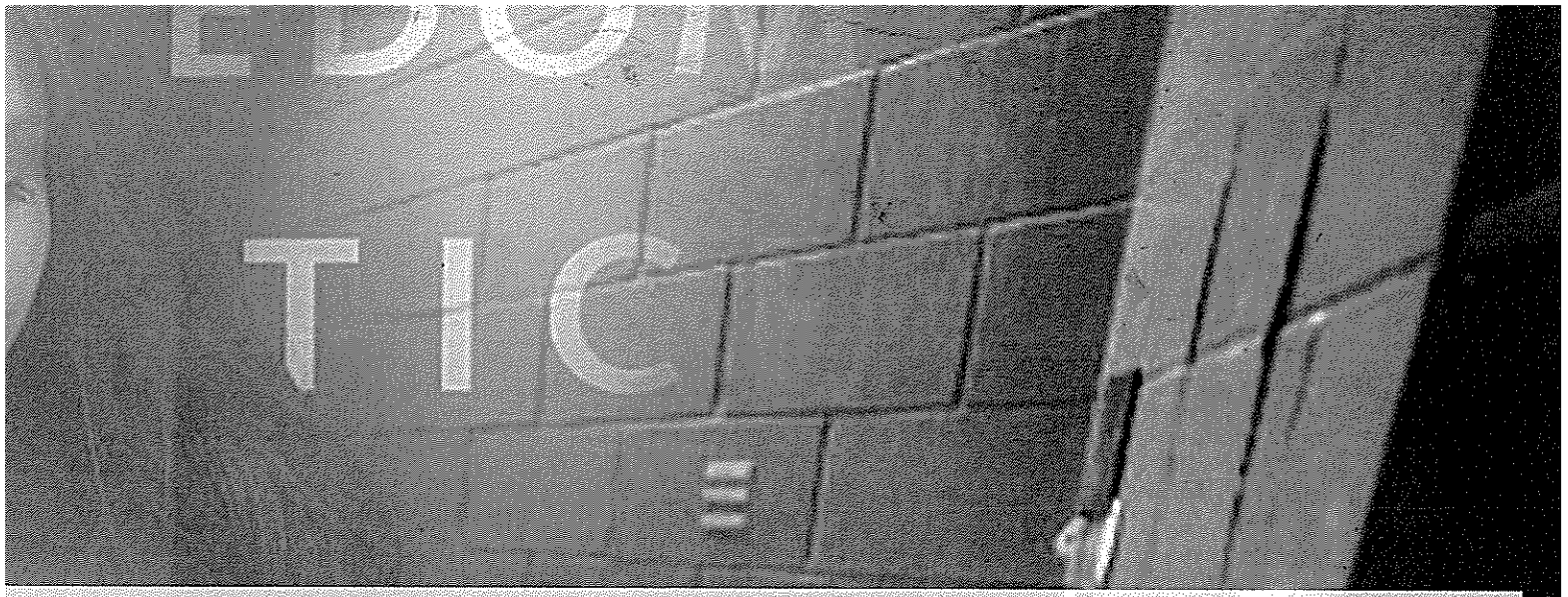
Growing trend of isolating inmates in Canadian prisons may prove counterproductive given the documented negative effects

Solitary confinement may be an inevitable way of controlling the most difficult inmates while providing safety to the inmate population and correctional staff alike, however, the conditions that characterize such imprisonment need to be examined to ensure that an inmate's mental health is not jeopardized. The gloomy environment associated with segregated housing units has been linked to deteriorating mental health for offenders which can subsequently result in long-term negative effects for offenders. As such, incarcerating offenders for a prolonged period of time in solitary confinement should only be used as a last resort when all other resources have been utilized. The growing trend of isolating inmates in Canadian prisons may prove to be counterproductive given the documented negative effects and the hindering implications this could have on rehabilitation and reintegration. ••

[1] Glancy, G and Murray, E. (2006). The Psychiatric Aspects of Solitary Confinement. Victims and Offenders 1:261-268.

[2] George, J. and Hafemeister, T. (2012). The Ninth Circle of Hell: An Eighth Amendment Analysis of Imposing Prolonged Supermax Solitary Confinement on Inmates with a Mental Illness. Denver University Law Review 90: 1, 1-54.

[3] CBC News (2013 September). Solitary Confinement: A Growing Issue in Canada, U.S. Prisons. Retrieved from http://www.cbc.ca/news/canada



[4] Correctional Service Canada. Special Handling Unit. *Let's Talk* 31:2. Retrieved from http://www.csc-scc.gc.ca.

[5] Correctional Service Canada. Special Handling Unit. *Let's Talk* 31:2. Retrieved from http://www.csc-scc.gc.ca.

[6] Griest, Stephanie (2012). *The Torture of Solitary*. Wilson Quarterly 36:2, 8.

[7] Glancy, Graham D and Murray, Erin L. (2006). The Psychiatric Aspects of Solitary Confinement. Victims and Offenders 1:1, 361.

[8] Whitten-Nagle, Cindy. Personal Communication. March 2013.

[9] Ibid.

[10] Griffiths, Curt T and Murdoch, Danielle J. (2014).Canadian Corrections (4th edition). Toronto: Nelson Education Ltd. P. 291.

[11] Boutilier, Alex (December 19 2013). Ashley Smith: Verdict of Chance to Rethink How Prisoners with Mental Illness are Dealt With. The Star.

[12] Griffiths, Curt T and Murdoch, Danielle J. (2014). Canadian Corrections (4th edition).Toronto: Nelson Education Ltd. P. 291.

[13] Ibid.

[14] Ibid.

[15] CBC News (2013, May 22). End Solitary Confinement, Days Former Female Inmate. Retrieved from http://www.cbc/ca/news/canada/british-columbia.

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] 2013 Aug. Solitary is Cruel and Unusual. Scientific American 309: 2

[20] Blanchette, Kelley and Motiuk, Laurence L (2001). Characteristics of Administratively Segregated Offenders In Federal Corrections. Canadian Journal of Criminology 43:1, 131-143.

[21] Ibid.

[22] Blanchette, Kelley and Motiuk, Laurence L (2001). Characteristics of Administratively Segregated Offenders in Federal Corrections. Canadian Journal of Criminology 43:1, 131-143

RÉSUMÉ

SOLITARY CONFINEMENT

Un article de Cindy Whitten-Nagle, B.A., M.Sc., doctorante

La criminologue Whitten-Nagle met a contribution la recherche fondée sur des données probantes et ses communications personnelles avec d'ex-détenus pour traiter de l'isolement cellulaire, aussi appelé isolement préventif ou « le trou », au sein du système correctionnel fédéral du Canada. Considéré comme une mesure de dernier recours au Canada, l'isolement est présenté dans cet article comme une pratique utilisée couramment et de plus en plus souvent à divers niveaux. Selon Whitten-Nagle, la plupart des détenus ayant passé du temps dans « le trou » en viennent à développer des hallucinations, du délire et de l'excitation psychomotrice, à avoir de la difficulté à réfléchir, à se souvenir, à se contrôler et à contrôler leurs réactions. Ashley Smith, est morte par asphyxie, qu'elle avait elle-même causée, dans une cellule d'isolement; on a dit d'elle que c'était une détenue à problèmes, qui avait accumulé plus de 800 rapports d'incident, 500 accusations de manquement disciplinaire et 150 rapports d'actes autodestructeurs, en plus d'avoir fait l'objet de 17 transfèrements entre 9 établissements correctionnels. Whitten-Nagle fait valoir que les problèmes de Smith n'étaient pas hors du commun, que les personnes en isolement préventif diffèrent typiquement des autres détenus et détenues et que bon nombre des 8 221 détenus et détenues placés en isolement préventif au Canada en 2012-2013 ont été identifiés par l'enquêteur correctionnel comme ayant des problèmes de santé mentale. En regard des effets négatifs documentés et de leurs implications sur la réadaptation et la réinsertion sociale, Whitten-Nagle craint que le recours accru à l'isolement préventif s'avère contreproductif.

WORKS CITED

Blanchette, Kelley and Laurence L. Motiuk (2001). Characteristics of Administratively Segregated Offenders in Federal Corrections. Canadian Journal of Criminology 43:1, 131-143.

Boutilier, Alex (2013, December 19). Ashley Smith: Verdict of Chance to Rethink How Prisoners with Mental Illness are Dealt With. The Star.

CBC News (May 22 2013). End solitary confinement, says former female inmate. Retrieved from http://www.cbc/ca/news/canada/british-columbia.

CBC News (September 8 2013). Solitary Confinement: A Growing Issue in Canada, U.S. Prisons. Retrieved from http://www.cbc.ca/news/canada.

Correctional Service Canada. Special Handling Unit. Retrieved from http://www.csc-scc.gc.ca.

George, J. and T. Hafemeister (2012). The Ninth Circle of Hell " An Eighth Amendment Analysis of Imposing Prolonged Supermax Solitary Confinement on Inmates with a Mental Illness. Denver University Law Review 90:1, 1-54.

Glancy, Graham D and Erin L. Murray (2006). The Psychiatric Aspects of Solitary Confinement. Victims and Offenders 1: 4, 361-368.

Griest, Stephanie (2012). The Torture of Solitary. Wilson Quarterly 36: 2, 8.

Griffiths, Curt T. and Danielle J. Murdoch (2014). Canadian Corrections, (4rth ed.) Toronto, ON: Nelson Education Ltd.

Whitten-Nagle, Cindy. Personal Communication. March, 2013.

HARM REDUCTION AND INJECTION DRUG USE IN CANADIAN FEDERAL PRISONS: A TRUE STORY OF PARADOX AND IRONY...

BY JACLYN BRISTOW, MCA, OACCPP

ABOUT THE AUTHOR

Jaclyn holds a Masters of Criminology. Ms. Bristow's research and interests are in drug policy and decriminalization. Combined with a passion for advocacy for individuals with substance dependencies, she has developed a skill set in client relations, support and liaising. While working as a substance use counsellor within a Women-centered and trauma-informed organization, Ms. Bristow's interests expanded to the complexity and diversity of women's experiences in the criminal justice system. She is currently a counsellor at a community addictions agency providing services to adult males who are involved with the criminal justice system.

Through my professional career, I have had the opportunity to speak with professionals in the correctional system about my experience working in a homeless shelter that facilitated a harm reduction needle exchange program. I was asked some interesting questions: "Weren't you scared of being stabbed?" or, "Why would you give those out? It will just let people use more drugs!" As criminologists, we are aware of the impact that such moral judgements can have on laws and policies, when policies cater to popular vote rather than evidence-based best practices. Correctional policy regarding safe drug use is especially relevant when you consider the high number of injection drug users in federal prisons in Canada in comparison to the general Canadian population, and because the injecting of drugs accounts for the largest increase in the HIV rate in Canadian prisons (Griffiths, 2004). But what does the evidence show us about best practices for drug use in prison??

BEST PRACTICES FOR DRUG USE IN PRISON... A PARADOXICAL CONCEPT

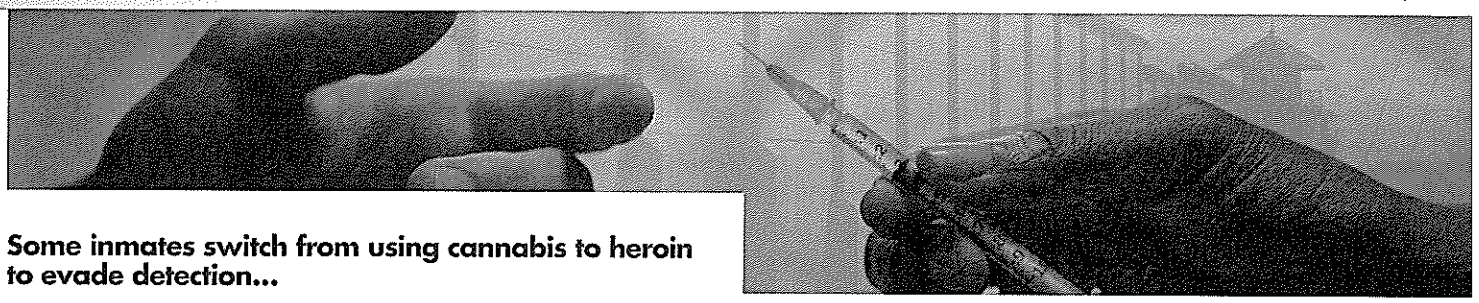
The prison system attempts to stop drug use within institutions, and the use of tools like urinalysis identify those who are indeed using drugs. Drug use in prison is punishable by penalties including loss of privileges, fines, extra work and administrative segregation (MacPherson, 2001). Inmates who test positive may be required to provide a urine sample every month until the results are negative three consecutive times. They may also receive a transfer to a higher-security institution, a cancellation of temporary absence, or referral to a substance abuse program. Nearly half of the male offender population (48%) meet the criteria for participation in Correctional Service Canada's (CSC) National Substance Abuse Program (NSAP) (Long, 2013).

Punishment as a deterrent...

These punitive-based deterrent methods used by the Canadian federal prison system can be tied to the Classical School of criminology, which was premised on the belief that because human beings have free will, and thus 'choose' to commit crimes, punishment is an effective deterrent. Early Italian criminologist Cesare Beccaria was among the contributors to the founding of the Classical School of criminology (18th century), which defined the dual purpose of punishment as follows: *(1) to prevent the offender from doing further damage to citizens and (2) to prevent others from doing the same* (2009). These purposes of punishment have since come to be referred to in modern criminology as 'specific deterrence' and 'general deterrence'. Specific deterrence aims to discourage the offender from re-offending, while general deterrence aims to discourage other citizens from offending. The concept of deterrence is one of the central pillars of the Classical School and remains an important feature of modern criminal justice systems here and around the world.

Overly severe punishment and the avoidance of drug-testing by inmates...

The Classical School of criminology also emphasized that the punishment should be proportional to the crime. Beccaria cautioned that if punishment is too severe, it will cause offenders to take even greater risks and commit further crimes in order to escape the punishment of the first one (Beccaria, 2009). Both of these effects can be seen in the Canadian prison system's response to drug use. For example, it has been argued that mandatory drug testing (MDT) encourages inmates to evade drug testing rather than address their substance use issues (Hughes, 2000). One way in which inmates can evade drug detection is by adding soap or other contaminants to their urine samples. These contaminants can be hidden under the inmates' fingernails or on their genitals. However, certain jurisdictions have attempted to counter this evasion by including a rigorous personal search of prisoners before testing in order to prevent contamination (Notarianni, Belk & Collins, 1995).



Some inmates switch from using cannabis to heroin to evade detection...

Another way in which inmates can avoid drug detection from MDT is through the change in their patterns of consumption. Since cannabis is detectable in urine for up to 28 days, while heroin is only detectable for a maximum of three days, there is evidence to suggest that some inmates switch from using cannabis to using heroin in order to reduce the risk of detection (Gore, Bird & Ross, 1996; Hughes, 2000). This correlates with Beccaria's prediction: Punishments that are too severe cause offenders to engage in even riskier behaviour.

Public health risk from syringe use in prisons extends beyond prison walls...

From a public health standpoint, this change in consumption is extremely problematic. Not only is heroin a stronger and more addictive drug than cannabis, but inmates who wish to get the maximum high from heroin will resort to injecting it. In a prison setting where there is limited access to injection equipment, this often results in the sharing of syringes and other homemade injecting tools. This can quickly and easily lead to the spread of blood-transmitted diseases such as hepatitis and HIV (Griffiths, 2004). Not only does the increased risk of HIV affect inmates, but since many inmates are eventually released, it leads to an increased spread of HIV to the general population. In fact, there is a significant decrease in condom use during sex within the first six-month period after release from prison (Morrow, 2009). In addition, syringe sharing is significantly more common in injection-drug users recently released from prison than among those who have not been incarcerated (Milloy et al., 2009).

Punitive methods continue, despite the fact that the CSC estimates that at least 40% of the prison population uses drugs while inside (Harris, 2002: 67-68). Correctional Service Canada remains nonetheless hesitant to implement more practical strategies to deal with substance use in prison, such as harm-reduction approaches.

HARM REDUCTION IN THEORY AND PRACTICE SINCE 1960

1960's — Activists, community workers, physicians and scientists...

While the term "harm reduction" was first made explicit by the World Health Organization (WHO) in 1992, harm-reduction practices in relation to drug use date back as early as the 1960s. Activists, community workers and some doctors and scientists were the first to resist the legal and social oppression regarding drugs and drug users. They began providing information and medical support in the 1960s at large events where drugs would be used quite openly (Roe, 2005). By the mid-1980s, the growing rates of HIV among injection drug users became an emerging health concern that gained the attention of policy makers (O'Hare, 2007). Alternative practices of risk reduction and harm minimization began to be seen as a potential solution to this problem (Roe, 2005). The activism of the 1960s, which had focused on the human rights of individual users, was eventually met with the public health concern of HIV in the 1980s, which conversely focused on a pragmatic response to protecting society from this contagious disease (Brisson, 1997). These two schools of thought have since merged to encompass both, situating the health issues of individual drug users firmly within the public health arena.

1992 — World Health Organization (WHO)...

The World Health Organization has been central to the development of the harm reduction philosophy. WHO has also helped to spread this model into many public health agendas around the world. By 1992, the World Health Organization's 28th Expert Committee on Drugs recognized that the harm reduction perspective had been influential in their reports dating back to 1973, even though the term had not yet been used (Room, 1997). The term "harm reduction" was first made explicit in the 28th report, where it was used to discuss reducing the risk of blood-transmitted disease amongst injection drug users. Inmates were identified as being at a higher risk to the spread of such diseases, since rates of HIV are significantly higher in prison than amongst the general population (WHO, 2004).

1992 — Solicitor General of Canada creates Expert Committee on AIDS and Prisons (ECAP) to assist CSC...

In 1992, the Solicitor General of Canada announced the formation of the Expert Committee on AIDS and Prisons (ECAP). This committee would assist Correctional Service Canada in promoting the health of federal inmates and protecting CSC staff, by preventing the transmission of HIV and other infections within federal correctional facilities (CSC, 1994). Two years later, CSC published ECAP's document called *HIV/AIDS in prisons: Final report of the Expert Committee of AIDS and Prisons* (1994). This document discussed the issue of HIV/AIDS in prisons and posed possible solutions. At the time, there was no official bleach distribution program in place. Bleach was considered contraband, and an institutional offence. Some inmates, however, were able to get bleach from prison laundry or kitchen facilities (CSC, 1994). Injection equipment was also considered a contraband offence. Finally, methadone was not made available to inmates at this time, despite the fact that methadone was available in the community (CSC, 1994). The ECAP does not support these methods of prohibition used by CSC, since ECAP believes it is

unrealistic to presume that drug use, including injection, in prisons will stop (CSC, 1994).

1994 — Lack of harm reduction measures and ECAP recommendations...

This lack of harm reduction measures led to several recommendations. First, the ECAP recommended that CSC improve its efforts to prevent or reduce drug use and the harms resulting from drug use, and to care for and treat drug users in federal institutions (CSC, 1994). Secondly, the ECAP recommended that full-strength household bleach be made easily and discreetly available to inmates injecting drugs in order to clean their needles. This accords with CSC's Directive that such bleach be available for harm reduction purposes (CSC, 2009). Culminating in paradox, the recommendations noted that the possession of bleach should no longer be classified as an institutional offence, yet the possession or use of drugs should also not be tolerated. Thirdly, research should be carried out to evaluate the outcomes of needle exchange programs, including that of a pilot project in at least one institution. The ECAP considers the eventual distribution of sterile injection equipment in prison as "inevitable", in part because it is more effective than bleach in reducing the transmission of HIV (CSC, 1994). Finally, inmates should have confidential access to methadone treatment (CSC, 1994). Overall, these recommendations are consistent with the guidelines set forth by the World Health Organization (Jürgens, 1996).

1996 — Canadian HIV/AIDS Legal Network review of CSC's implementation of ECAP recommendations...

In 1996, the Canadian HIV/AIDS Legal Network released a document entitled *HIV/AIDS in Prisons: Final Report* (Jürgens, 1996), which reviewed the degree to which CSC had implemented the recommendations given by ECAP. Overall, CSC was shown to have been reluctant to implement some of ECAP's major recommendations, including methadone treatment and the pilot-project needle exchange program (Jürgens, 1996). The recommendation of bleach distribution had been initially rejected as well, but CSC reversed this decision in 1995. At the same time the report noted that CSC had introduced a number of initiatives that the legal network viewed as being either inconsistent with or counterproductive to the ECAP recommendations.

2012 — Office of the Correctional Investigator also supports harm reduction...

More recently, the Correctional Investigator's 39th Annual Report noted the safety concerns of substance abuse within prison (Sapers, 2012). When discussing the physical health of inmates, this report agreed that a "zero tolerance" approach to drug use in prison is inconsistent with the reality of addiction. The report corroborated the recommendations of the ECAP and the WHO by stating that, "Harm reduction measures within a public health and treatment orientation offer a far more promising, cost-effective and sustainable approach to reducing subsequent crime and victimization".

Why has public-health evidence not led to greater implementation of harm reduction programs in prisons?

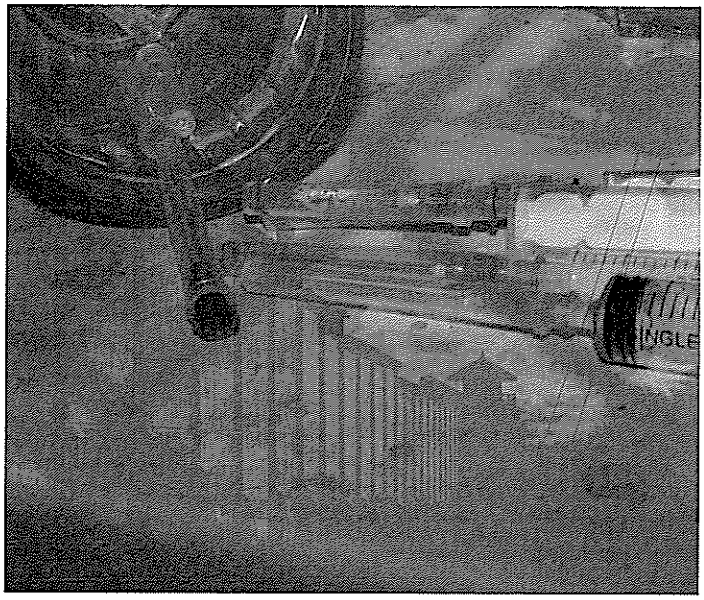
With so much public health evidence supporting the use of harm reduction programs in prison, why then has implementation not been more prevalent? Harm reduction measures are typically opposed because people believe such programs condone or increase drug use and that syringes can be used as weapons against correctional staff or other inmates (CSC, 1994; Farabee & Leukefeld, 2002; Stöver & Nelles, 2003). Actual evidence, however, demonstrates that these fears are unwarranted; in fact, the benefits of these programs far outweigh any negative consequences (WHO, 2004; Health Canada, 2001; Farabee & Leukefeld, 2002; Riley et al., 1999). The rationale behind needle exchange programs is that many people who inject drugs are unable or unwilling to stop. As such, intervention strategies must target reductions in the risks of HIV infection and transmission to others (Riley et al., 1999). The provision of sterile needles is a simple and inexpensive way to keep used needles out of the hands of inmates while reducing the risk of spreading HIV.

1991 SURVEY OF HARM REDUCTION PROGRAMS IN CRIMINAL JUSTICE SYSTEMS AROUND THE WORLD HELPS ALLAY FEARS

In 1991, the World Health Organization surveyed 52 criminal justice systems in Europe to examine the types of harm reduction programs that had been implemented and the outcomes of these programs. For prisons that had implemented needle-exchange programs, the results showed drug consumption to be either stable or decreased (WHO, 2004). The sharing of needles had decreased to the point where it was almost non-existent. No new cases of HIV or hepatitis were reported. There was also no evidence of new prisoners beginning to inject, or any evidence of needles being used as weapons. Many other studies support this finding and state that needle exchanges have not led to an increase in drug use, but have led to reduced rates of needle sharing (Health Canada, 2001; Farabee & Leukefeld, 2002; Riley et al., 1999).

The WHO study also examined the results of the implementation of methadone maintenance treatment (MMT) in prison. Methadone is designed to reduce the symptoms of opiate withdrawal and block cravings for illegal drugs (Berman, 2004). Evidence shows this type of therapy can lead to positive results; for example, methadone maintenance therapy has been shown to reduce the frequency of drug use, as well as the frequency of injecting among drug users (WHO, 2004). Many studies have also shown it reduces death rates and the spread of HIV (Riley et al., 1999). Methadone treatment has demonstrated its effectiveness in helping stabilize and normalize the lifestyles of drug users. It also allows users to taper towards abstinence.

Numerous prisons in Canada have made bleach available (Canadian HIV/AIDS Legal Network, 2010). Although bleach is an important tool in the absence of needle exchange programs and does reduce



PLEASE SEND ANY REMARKS, OR A COMMENTARY, REGARDING THIS ARTICLE

to *Justice Report* Editor Nancy Wright:

ccjapubsacjp@gmail.com

and keep your eye out for the Notices/Feedback section in future issues!

VEUILLEZ ADRESSER TOUT COMMENTAIRE RELATIF À CET ARTICLE

à l'éditrice de l'*Actualité-Justice*, Nancy Wright :

ccjapubsacjp@gmail.com

Demeurez à l'affût de la section Avis/commentaires dans les numéros à venir.

the likelihood of transmission, bleach is not a completely effective method of preventing HIV (Canadian HIV/AIDS Legal Network, 2010; Riley et al., 1999). Rather, providing new needles is the ultimate goal of harm reduction and considered the best way to avoid HIV and to recuperate used needles that could ostensibly be used as weapons by inmates.

DISPARITY OF PRACTICES IN CANADIAN FEDERAL PRISONS, 20 YEARS AFTER ECAP'S RECOMMENDATIONS

In 2008, Correctional Service Canada launched the Transformation Agenda with the announced goal of enhancing and improving public safety for Canadians. The Transformation Agenda comprises a number of interrelated initiatives, one of which is the elimination of drugs (CSC, 2009a). It explains that drugs negatively affect rehabilitation, the safety and security of institutional environments, and the effective and safe reintegration into Canadian communities (CSC, 2009c). This Agenda involves expanding the detector dog program, increasing security intelligence capacity, updating physical security in institutions, and revising visiting procedures to ensure consistency and effectiveness (CSC, 2009b).

Currently, Canadian prisons provide inmates with bleach, only provide methadone to those who began the treatment before incarceration, and prohibit the possession of syringes. Despite suggestions by harm reduction-oriented organizations to make harm reduction initiatives in prison comparable to programs in communities outside of prison, great disparity exists between programs inside prison walls and those in the public sphere. For example, InSite is a supervised injection facility in Vancouver that has 2 injection booths where clients inject pre-obtained illicit drugs under the supervision of nurses (Vancouver Coastal Health, 2010). InSite clientele also has access to clean injection equipment such as syringes, cookers, filters, water and tourniquets. Research demonstrates that this facility is an effective and efficient use of public health care resources, and estimates that it prevents 35 new cases of HIV and almost 3 deaths each year (Andresen & Boyd, 2010). Despite these positive results, challenges to InSite's practice are more prevalent than suggestions to extend this model to the prison system (Andresen & Boyd, 2010).

Continued risks to inmates, CSC staff, and public health due to failure to embrace recommendations...

Little has changed since ECAP's report (1994) was issued. In 1998, the CSC implemented the first phase of the National Methadone Maintenance Treatment Program (CSC, 1999). However, this treatment is only available to those inmates who began MMT before their incarceration. Therefore, a disparity still exists between institutional and community access. CSC has also maintained its policy prohibiting access to sterile needles in prison, and therefore, needle exchange programs have not yet been piloted (Canadian HIV/AIDS Legal Network, 2008). Overall, CSC has demonstrated a failure to embrace the harm reduction approach to drug use.

It is worthwhile to prevent the transmission of blood transmitted diseases of inmates not only to improve health conditions within prison, but also to prevent the transmission of these diseases into the community upon the eventual release of many of the inmates. Evidence-based research shows us that harm reduction programs such as needle exchanges have made this possibility a reality. The Canadian federal correctional system ought to follow suit, and afford inmates the same lifesaving tools that are available and operating successfully elsewhere in prisons and communities. In the face of over 20 years of evidence and the continued risks to inmates, CSC staff, and public health, and the fact that injection drug use is a known and prevalent problem in federal prisons, the Canadian federal correctional system's current reluctance to im-

plement HIV/AIDS harm reduction programs may well be a paradoxical outcome of outdated moral judgements affecting prudent decision making.••

RÉSUMÉ

HARM REDUCTION AND INJECTION DRUG USE IN CANADIAN FEDERAL PRISONS: A TRUE STORY OF PARADOX AND IRONY...
Un article de Jaclyn Bristow

S'appuyant sur des recherches fondées sur des données probantes et sa propre expérience professionnelle dans un refuge pour sans-abri offrant un programme d'échange de seringues, fondé sur une approche de réduction des méfaits, Jaclyn Bristow nous présente ici un aperçu de la théorie de la réduction des méfaits et de son développement dans le contexte du système pénitentiaire canadien. Faisant la démonstration de comment et pourquoi la consommation de drogues injectables en prison de traduit en un enjeu de santé publique, Bristow traite de recommandations émanant du Réseau juridique canadien VIH/sida, de l'Organisation mondiale de la Santé (OMS), du Solliciteur général du Canada (SGC) et de l'enquêteur correctionnel du Canada. Bristow s'en prend au Service correctionnel du Canada, qui se montre réticent à mettre en place des programmes VIH/SIDA fondés sur la réduction des méfaits, en dépit des recommandations de 1994 formulées par le Comité d'experts sur le SIDA et les prisons (CESP), mis sur pied dans le but précis d'aider le SCC en cette matière. Elle attribue au moins une partie du problème à des jugements moraux dépassés chez les décideurs. Les recherches effectuées par Bristow indiquent qu'il existe un écart considérable entre les programmes offerts en établissement et ceux qui sont offerts dans la sphère publique. À l'heure actuelle, le SCC fournit de l'eau de javel aux détenus; seuls ceux qui ont commencé un traitement à la méthadone avant d'être incarcérés en reçoivent; la possession de seringues est prohibée.

REFERENCES

Andresen, M., & Boyd, N. (2010). A cost-benefit and cost-effectiveness analysis of Vancouver's supervised injection facility. International Journal of Drug Policy 21 (1): 70-76.

Beccaria, C. (2009). *On Crimes and Punishments.* Fifth Edition. G.R. Newman & P. Marongiu (Eds. And trans.). New Brunswick, NJ: Transaction Publishers. (Original work published 1776).

Berman, A.H. (2004). *Enhancing Health Among Drug Users in Prison.* Stockholm: Stockholm University.

Brisson, P. (1997). *L'approche de réduction de méfaits: Sources, situations, pratiques.* Montréal : Comité permanent de lutte à la toxicomanie.

Canadian HIV/AIDS Legal Network (2008). *RIGHTS IN ACTION: Annual Report 2008-2009.*

Canadian HIV/AIDS Legal Network (2010). *Under the Skin: A People's Case for Prison Needle and Syringe Programs.*

Correctional Service Canada (1994). *HIV/AIDS in Prisons: Final Report of the Expert Committee on AIDS and Prisons.* Ottawa: Minister of Supply and Services Canada.

Correctional Service Canada (1999). *National Methadone Maintenance* Treatment Program Phase 1. Resource and Information Package.

Correctional Service of Canada (2009). *Commissioner's Directive 821 – Management of Infectious Diseases: Guidelines 821-2 - Bleach Distribution* (2004-11-04). Retrieved 2014-08-18 from http://www.csc-scc.gc.ca/text/plcy/cdshtm/821-cde-eng.shtml.

Correctional Service Canada (2009a). *CSC Transformation Agenda.* Retrieved 2010-03-08 from http://www.csc-scc.gc.ca/text/organi/trnsform-eng.shtml.

Correctional Service of Canada (2009b). *Transforming Corrections: Keeping Drugs Out.* Retrieved 2010-03-08 from http://www.csc-scc.gc.ca/text/organi/trnsfrmtn-drgs-eng.shtml.

Correctional Service Canada (2009c). *Transforming Corrections: Detector Dog Program.* Retrieved 2010-03-08 from http://www.csc-scc.gc.ca/text/pblct/qf/16-eng.pdf.

Farabee, D. & Leukefeld, C.G. (2002). HIV and AIDS Prevention Strategies. In Leukefeld, C.G., Tims, F. & Farabee, D. (Eds.). *Treatment of Drug Offenders: Policies and Issues,* 172-185. New York: Springer Publishing Company, Inc.

Gore, S.M., Bird, A.G. & Ross, A.J. (1996). Prisoners' rights: mandatory drug tests and performance indicators for prisons. British Medical Journal 312: 1411-1413.

Griffiths, C.T. (2004). *Canadian Corrections* (2nd. Ed.). Toronto: Thomson Nelson.

Harris (2002). *Con Game: The Truth about Canada's Prisons.* Toronto: McClelland and Stewart.

Health Canada (2001). *Reducing the Harm Associated with Injection Drug Use in Canada.* Retrieved 2009-11-26 from http://www.hc-sc.gc.ca/hc-ps/alt_formats/hecs-sesc/pdf/pubs/adp-apd/injection/injectiondrug-eng.pdf..

Hughes, R. (2000). *Drug Injectors and Prison Mandatory Drug Testing.* The Howard Journal of Criminal Justice 39 (1): 1-13.

Jürgens, R. (1996). *HIV/AIDS in Prisons: Final Report.* Canadian HIV/AIDS Legal Network and Canadian AIDS Society. Retrieved 2009-11-26 from http://www.aidslaw.ca/publications/publicationsdocEN.php?ref=181.

Long, C. (2013). Developing national substance abuse programs in Canadian federal corrections. *FORUM on Corrections Research, 18*(1). Retrieved 2014-08-18 from http://www.csc-scc.gc.ca/research/forum/e181/e181i-eng.shtml.

MacPherson, P. (2001) Random Urinalysis Program: Policy, practice and research results. *Forum on Corrections Research Focusing on Alcohol and Drugs 13* (3): 54-57.

Milloy, M., Buxton, J., Wood, E., Li, K., Montaner, J., & Kerr, T. (2009). Elevated HIV risk behaviour among recently incarcerated injection drug users in a Canadian setting: a longitudinal analysis. BMC Public Health 9: 1-7.

Morrow, K. (2009). HIV, STD, and hepatitis risk behaviors of young men before and after incarceration. AIDS Care 21 (2): 235-243.

Notarianni, L.J., Belk, D. & Collins, J. (1995). Compulsory random drug testing of prisoners in England and Wales: Design flaws in the system. Journal of Clinical Forensic Medicine 2: 185-188.

O'Hare, P. (2007). Merseyside, the first harm reduction conferences, and the early history of harm reduction. International Journal of Drug Policy 18 (2): 141-144.

Riley, D., Sawka, E., Conley, P., Hewitt, D., Mitic, W., Poulin, C., Room, R., Single, E. & Topp, J. (1999). Harm reduction: Concepts and practice. A policy discussion paper. Substance Use and Misuse 34 (1): 9-24.

Roe, G. (2005). Harm reduction as a paradigm: Is better than bad good enough? The origins of harm reduction. Critical Public Health 15 (3): 243-250.

Room, R. (1997). Harm Reduction, Human Rights and the WHO Expert Committee on Drug Dependence. In Erickson, P.G., Riley, D.M., Cheung, Y.W. & O'Hare, P.A. (Eds.). *Harm Reduction: A New Direction for Drug Policies and Programs.* Toronto: University of Toronto Press, 119-130.

Sapers, H. (2012). Annual Report of the Office of the Correctional Investigator 2011-2012. Retrieved 08-18-2014 from http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20112012-eng.aspx#sIB.

Stöver, H. & Nelles, J. (2003). Ten years of experience with needles and syringe exchange programs in European prisons. International Journal of Drug Policy 14 (5/6): 437-454.

Vancouver Coastal Health (2010). SUPERVISED INJECTION SITE. Retrieved 2009-11-26 from http://supervisedinjection.vch.ca/servicess.

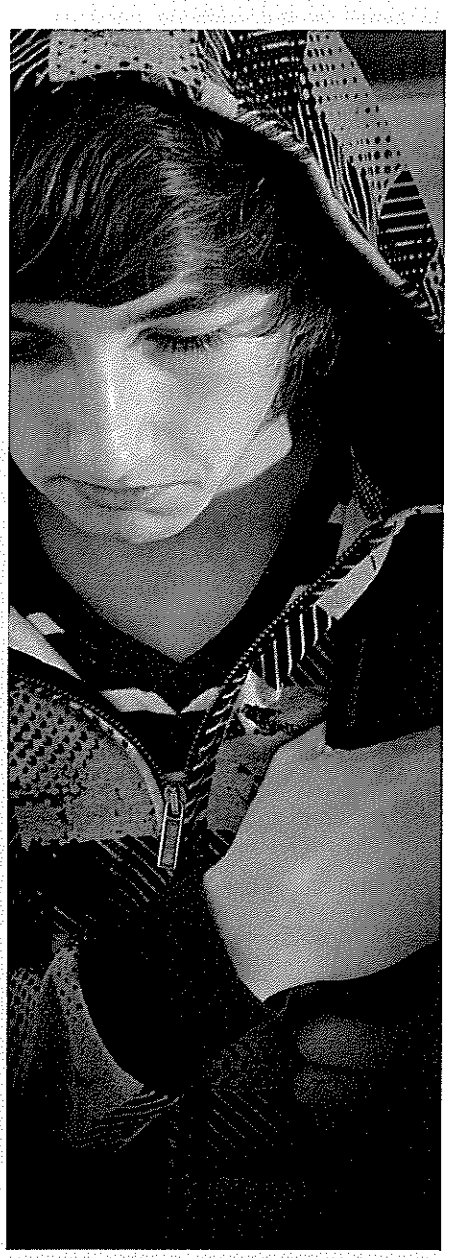
World Health Organization (2004). Evidence for action series (HIV/AIDS and injection drug use) – Policy brief: Interventions to address HIV in prisons. Geneva: WHO, 2p. Retrieved 2010-06-20 from www.who.int/hiv/pub/idu/prisons_reduction/en/index/html.

PART III AND CONCLUSION OF THE TRILOGY
"ON BEING TRAUMA INFORMED VIS-À-VIS CHILD/ADOLESCENT CONFINED & RESTRICTIVE CARE"

THE REAL WORLD

BY DR. JON P. FRIEL, R. Psych. (AB), Ph.D.

A colleague asked me recently if I were nervous in any way leaving myself open to critique by writing in the public realm about my opinion on these disenfranchised human beings and their problems. My response came from a family member and it was – "my pen is old and my ink is pale and my hand shakes like a monkey's tail". This is probably an old quote from somewhere, but it says it all: I have a lifetime of professional experience to share. Jon



In Part I of this trilogy (Issue 28.4, *Justice Report*), I emphasized the need for policy-makers and the general public to be trauma informed in order to recognize/support appropriate policy for traumatized youth and the need for confined and restrictive care in residential care or youth corrections as opposed to foster care or other alternative family arrangements. I stressed that a loving, supportive family is insufficient to turn a traumatised youth around, given the extent of neglect and violence/abusive behavior witnessed by some youth today. In Part II (Issue 29.2, *Justice Report*) of this trilogy, I offered my professional insight into the complex problems faced by traumatized youth who are non-resilient and resistant to treatment. Traumatized children and adolescents are unable to recognize their issues, concerns, or major life problems and their physical recall of past trauma can trigger unwarranted reactions, which warrants a restrictive-care model embracing a pre-treatment familiarization period before even looking at socialization, self-regulation, education, or other treatment plans or forms of therapeutic intervention. Here, in the final part of my trilogy, The Real World, I discuss a convergence of theory and models and take a look at a centre in the UK successfully providing treatment to traumatized youth.

Of course, each of us professionals will have our own methods that have worked for us over the years. My theoretical position, however, is found in the still-significant and celebrated work of Austrian psychiatrist, Alfred Adler, and thus based on the premise that to understand another human being you must first understand them within their social context. Adler also believed people worldwide have a basic human need to belong and feel significant, and stressed that each person is unique and so is his or her relationship with society. People, he thought, need to be able to express and accept encouragement and respect and have some form of social engagement or interest, as all of this, when taken together, is what makes people feel fulfilled. More relevant to the topic of this article, however, is Adler's conviction that children and adolescents who misbehave are discouraged people, that their life- or social-point of view has been inadequate, and it is the professional's role to help them learn to feel valued, significant and competent.

An individual's world view is so important it can make life even more challenging for certain traumatized youth

Sometimes it is difficult to recall Alfred Adler when dealing day to day with these youth, whose social contexts are often extreme and their challenging point of view is hard to fathom. In their world view, life can be challenging. Trying to understand where one fits in the world is important. Do they view their world as a battleground? Is their world a glass house where they

believe they are sure of who they are yet the world views them in a divergent and even negative way? Perhaps they think it's *an-everyone-for-themselves'* world and *a-to-heck-with-your-neighbours'* life?

Youth who are *resilient* have a different world view

Occasionally we encounter youth who have been victimized/traumatized, but who are resilient. They have a different world view. They think the world is a warm and friendly place. Or, they think the world will allow them to find a special and useful place. Because they are resistant, those in the 'resilience' group are often able to move past their trauma (Holden, 2009). One sure notion is that the way in which a human being perceives their personal world impacts how they perceive people in the real world and this influences their behavior.

So what should we be doing? Let us try and think this through using what we learned in the first two parts of this trilogy (28.4 and 29.1, *Justice Report*). Non-resilient, resistant youth are vulnerable to emotional damage. A course of action to help such youth might be the something akin to the following.

A course of action for non-resilient traumatized youth...

Once a child or adolescent has been emotionally disturbed it does not take much for one to see they might be more biased to the use/practice of aggression, hostility, isolation and secrecy. From this perspective, attributes such as defiance, being contrary, rule-breaking and bullying do not seem out of character for them, as this may be what their social and emotional observation and physical experience has thus far afforded them. Further, they may at the same time, and as a result, be withdrawn, lonely, doleful, embittered, and secretive and have feelings of isolation in regards to their significant others.

A sense of belonging is needed

Now here is what may be more difficult for some people in society to understand without some coaching, but of course I do not mean you – the child care professional. All youth need to feel a sense of belonging, being loved, wanted and appreciated. They should be able to find this in their immediate environs. If they cannot find these traits at home, however, they will look elsewhere, such as towards their peers.

A developmental need for ongoing emotional supports

One way or another, they will find the ongoing emotional supports they need and which make them feel loved, and provide for them a sense of belonging, of being wanted, of being appreciated, and a sense of being safe and secure in their immediate world. If they cannot find a personal sense of mastery, independence or a way to express generosity to others whether at home, in school or elsewhere in their immediate sphere of influence including leisure and recreational activities, they look almost immediately towards their peer group, which may or may not be socially desirable. You now can see how a negative peer group could develop, and find influence over a traumatized youth under such adverse psychological conditions.

A place to feel safe and secure emotionally, physically and culturally

What can we do? This looks like an insurmountable social problem that has no resolution? Well, let us again think this through based on the previous two articles. First, we need to provide a place where these traumatized children or adolescents can feel safe and secure emotionally, physically and culturally. Then we need to find folks who know about and understand trauma. These youth need a long-term therapeutic environment that takes into account such things as good conversation, a strong moral compass, and the environment must promote Bandura's self-efficacy and be a place where caring and sharing is not just a slogan. Some place where the tenets of Positive Psychology, e.g. decision making, self-regulation, mastery, independence and generosity, are observable as the guiding principles of a normal day.

AN EXAMPLE OF A CONVERGENCE OF MODELS AND THEORIES: THE MULBERRY BUSH SCHOOL IN ENGLAND

I think the solution is best understood through a convergence of the following models and theory: Therapeutic community model (Maxwell Jones, 1907-1990), Milieu Therapy (Fritz Redl, 1902-1988), and the Individual Psychology and tenets of Positive Psychology (Alfred Adler, 1870-1937). An illustration of such convergence is found in the methods employed at Mulberry Bush School, London, England. This school provides "residential, therapeutic care and education for severely emotionally troubled and traumatised children aged from five to twelve years of age" (The Observer online, 2010) and is said to embody the interplay of the three dynamic concepts of therapeutic community, milieu therapy, and Individual Psychology.

Therapeutic community

Therapeutic community means a 24-hour residential care program with frontline staff (childcare workers, social workers, house parent and operational and maintenance staff 24/7), psychology, and psychiatry on a consistent and sustained basis. This is, as mentioned above, a well-known, group-oriented approach to long-term mental illness, personality disorders, and drug addiction.

Milieu therapy

Fritz Redl, psychologist, educator and one of the pioneers of milieu therapy, believed that a therapeutic community supports milieu therapy by giving rise to daily client learning social situations for their individual growth and development. The provision of such a milieu is key to treatment outcomes of traumatized youth. The therapeutic community itself provides psychological and psychiatric intervention to support the whole therapeutic process.

Individual Psychology (IP)

Alfred Adler's Individual Psychology (IP) fits both the notion of the residential setting and daily social learning situations and positive psychology, as we are assessing the various bio-psycho-social aspects that make up the whole person. In this way we can provide the best individual fit for treatment plans, daily goals, psychotherapy and reintegration plans.

Family therapy theory

It does not take too much of a leap to imagine how the family can then be reintroduced and a move towards family and community reunification as the next step from residential care (maybe campus care is a better term today) for these traumatized youth. Hence Family therapy (Maxwell Jones) eventually becomes an important part of the residential treatment process even if full reunification is not possible.

Jones' sanctuary-model approach is based on a program recognizing the need for a group atmosphere that he as an army psychiatrist during WW2 developed for soldiers suffering from what he termed "effort syndrome", i.e. a psychosomatic disorder related to combat fatigue (Bloom, 1997). At minimum, some partial-yet-workable family intervention needs to be arranged. However in the real world sometimes the family definition means next-of kin family arrangements or, not so rarely, independent living supported by some form of family or extended family or even a residential staff care-attachment scenario.

A NOTE FOR NON-BELIEVERS

I am sure some readers are saying *the cost is prohibitive, how do you staff this model,* or *the traumatized youth are simply too emotionally damaged for such an ambitious project.* To them I say *you are correct, it is expensive, it will be hard to staff and yes these few non-resilient and treatment-resistant traumatized youth are society's challenge.* However, to these critics I also say *there is no other option but those outlined here for youth who, for reasons not yet completely understood, do not seem to have the same resilience (as some other similarly traumatized youth) to simply get on with their lives after their own traumatic event.*

If treatment is not provided to youth suffering as a result of exposure to adverse factors that negatively affected their psycho-social development, they will likely carry their pain and psychosocial dysfunction into adulthood, where they may well continue to require mental health services or become part of ever-growing prison populations. The future of these disenfranchised youth recalls all too well the comments of famed World-War-II psychiatrist Maxwell Jones: "Our patients represent the 'failures' in society; they come largely from broken homes and are unemployed; inevitably they have developed antisocial attitudes in an attempt to defend themselves from what appears to them as a hostile environment; as often as not their marriages are in ruins and there is little or no attempt to keep up any of the more usual standards of behavior in their home life" (Bloom, 1997).

Life is complex, as most of us already realize and understand, but based on what I have observed through my professional career, my opinion is that our society seems to forget this in terms of supporting and funding social policy for our non-resilient, treatment-resistant, traumatized youth whether in residential care or in youth corrections.••

REFERENCES

Adler, A., (1931), What Life Could Mean to You. Oxford, England: One World Publications Ltd.

Ballou, R. (2002). Adlerian Based Responses for the Mental Health Counselor to challenging behaviours of teens, Journal of Health Counseling 24 (2).

Bloom, S.L. (1997), Creating Sanctuary: Toward the Evolution of Sane Societies. New York: Routledge. Retrieved August, 2014 from http://www.sanctuaryweb.com/maxwell-jones.php.

Hill, A. (2010). Inside Mulberry Bush school, a unique sanctuary for traumatised children. The Observer, Sunday, January 3, 2010. Retrieved in August, 2014 from http://www.theguardian.com/society/2010/jan/03/mulberry-bush-sanctuary-traumatised-children.

Holden, M (2009). Children and Residential Care. Residential Care Project, Cornell University.

Glean, R. (2002). Why Community Works: The use of Alfred Adler's Individual Psychology as a foundation theory, Journal of Humanistic Counseling, Education, and Development 40 (2).

Phelan, J. (2013). Rediscovering Fritz Redl. Scottish Journal of Residential Care 12 (1).

RÉSUMÉ

THE REAL WORLD

Un article de Dr. Jon Friel, R. Psych. (AB), Ph.D.

La partie I de cette trilogie (*Actualités-Justice*, no 28.4) mettait l'accent sur la nécessité d'informer les décideurs et le grand public au sujet des traumatismes afin qu'ils reconnaissent et appuient des politiques appropriées à l'intention de jeunes ayant subi un traumatisme, de même que la nécessité de mesures d'incarcération ou de mesures restrictives en milieu résidentiel ou dans des services correctionnels pour adolescents, par opposition à des familles d'accueil ou d'autres arrangements de type familial. On maintenait qu'une famille aimante et chaleureuse était insuffisante pour provoquer un changement chez un jeune ayant subi un traumatisme, en regard de l'étendue de la négligence ou des mauvais traitements dont certains sont victimes aujourd'hui. La partie II de la trilogie (*Actualités-Justice*, no 29.2) jette un éclairage professionnel sur les problèmes complexes auxquels sont confrontés les jeunes ayant subi un traumatisme, qui se laissent abattre et résistent au traitement. Les enfants et les adolescents ayant subi un traumatisme ne reconnaissent pas leurs difficultés, leurs préoccupations ou les grands problèmes de la vie, et la prise de conscience de traumatismes passés pourrait déclencher chez eux des réactions qui n'ont pas lieu d'être, pouvant justifier le recours à une approche restrictive comprenant une période de familiarisation prétraitement, avant même de s'attaquer à la socialisation, l'autorégulation, l'éducation ou d'autres formes de traitement ou d'intervention thérapeutique. Dans cette dernière partie, la partie III, intitulée *The Real World* [le vrai monde], on aborde la convergence de la théorie et de différentes approches et on jette un coup d'œil sur un centre situé au Royaume-Uni, qui offre avec succès des traitements à des jeunes ayant subi un traumatisme.

NOTICES AND FEEDBACK

THIS NOTICES AND FEEDBACK SECTION WILL BE APPEARING IN THE *JUSTICE REPORT* WHENEVER NOTICES OR COMMENTARIES ARE RECEIVED. PLEASE HELP US BY CONTRIBUTING TO THIS PAGE!

AVIS ET RÉACTIONS

LA SECTION *AVIS ET RÉACTIONS* APPARAÎTRA DANS *ACTUALITÉS-JUSTICE* CHAQUE FOIS QU'ON NOUS COMMUNIQUERA DES AVIS OU COMMENTAIRES. VEUILLEZ NOUS AIDER EN CONTRIBUANT À CETTE PAGE.

NOTICES •• AVIS

CONGRATULATIONS FROM CCJA!

ASSOCIATION OF PROFESSIONAL EXECUTIVES OF THE PUBLIC SERVICE OF CANADA
APEX

IVAN ZINGER OF THE OCI RECEIVES APEX PARTNERSHIP AWARD

"Executive Director and General Counsel for the Office of the Correctional Investigator of Canada, Ivan Zinger recently won the Partnership Award from the Association of Professional Executives of the Public Service of Canada. Since his appointment as Executive Director and General Counsel in 2008, Ivan Zinger has worked tirelessly to create a workplace culture that values partnerships and recognizes the important role they play in fulfilling the mandate of the Office of the Correctional Investigator (OCI).

Mr. Zinger recognizes the intrinsic role that strategic and collaborative partnerships play in making Canadian communities safer, and he works actively with partners and colleagues from all sectors to find solutions to the complex problems in corrections today. This multidimensional approach has allowed the OCI to consistently produce well researched and thoughtful recommendations on ways to improve the federal correctional system. These are recognized for their clarity and credibility by Parliamentarians, partners and stakeholders and Canadians in general.

Under Mr. Zinger's leadership, the OCI has reached out to engage local community providers, non-governmental organizations and other stakeholders to better support particular groups of offenders who may be in crisis or have special needs. These include populations such as the elderly, Aboriginal inmates, women in federal institutions, visible minorities and those with mental illnesses.

The OCI was involved in a three-year exchange project with the prison administration of China, funded by the former Canadian International Development Agency. In leading this project, Mr. Zinger was able to draw on his extensive network of partners within the Public Safety Portfolio and provincial correctional agencies to ensure a fruitful and constructive bilateral exchange of visits and dialogue on best practices in the corrections field.

Mr. Zinger has helped make Canadian communities safer by building strong and effective partnerships and contributing to the development of more effective correctional practices. APEX is pleased to present Ivan Zinger with its 2014 Partnership Award for his tireless efforts to build strategic partnerships at the community, national and international levels, and for exemplifying the values of the federal Public Service."

(Retrieved June, 2014 from the Association of Professional Executives of the Public Service of Canada http://www.apex.gc.ca/en/about/awards-of-excellence/2014winners)

IVAN ZINGER DE L'OCI EST DÉCERNÉ LE PRIX DU PARTENARIAT DE L'APEX

"Depuis sa nomination à titre de directeur exécutif et d'avocat général en 2008, IvanZinger a travaillé sans relâche pour créer une culture d'entreprise qui valorise les partenariats et reconnaît le rôle important de ces derniers dans la réalisation du mandat du Bureau de l'enquêteur correctionnel (BEC).

M. Zinger reconnaît le rôle intrinsèque des partenariats stratégiques et collaboratifs dans l'amélioration de la sécurité des collectivités canadiennes, et il travaille activement avec des partenaires et des collègues de tous les secteurs pour trouver des solutions aux problèmes complexes du système correctionnel d'aujourd'hui. Cette approche multidimensionnelle a permis au BEC de constamment formuler des recommandations bien documentées et réfléchies sur les moyens d'améliorer le système correctionnel fédéral. Celles là sont reconnues pour leur clarté et leur crédibilité par les parlementaires, les partenaires et les intervenants, et les Canadiens en général. Sous la direction de M. Zinger, le BEC a tendu la main pour engager les fournisseurs des collectivités locales, des organisations non gouvernementales et d'autres intervenants afin de mieux soutenir des groupes particuliers de détenus qui peuvent être en crise ou qui ont des besoins spéciaux. Il s'agit notamment de populations comme les personnes âgées, les détenus autochtones, les femmes dans les institutions fédérales, les minorités visibles et les personnes atteintes de maladies mentales.

Le BEC a participé à un projet d'échange de trois ans avec l'administration pénitentiaire de la Chine, financé par l'ex-Agence canadienne de développement international. En menant ce

ORDER OF CANADA APPOINTMENTS

PROFESSOR EMERITUS ANTHONY DOOB was named a member of the Order of Canada this past June 30, 2014. Tony was honoured for his scholarship and his role in shaping Canadian justice policy. He has been a longstanding and involved colleague at the *Canadian Journal of Criminology and Criminal Justice,* having served as a manuscript reader from 1983-1994 and a member of the Editorial Committee from 1995 to 2011. His work has also been published extensively in the Journal and in October 2013, the Journal devoted an entire issue to his scholarship: *Special Issue: A Festschrift in Honour of Anthony N. Doob.*

The longest serving Director of the Centre of Criminology at the University of Toronto, Professor Doob has amassed an impressive body of scholarly work on the Canadian criminal justice system. He is one of the three most cited criminology scholars in Canada and the 25th most cited criminology scholar internationally. He was appointed Commissioner of the Canadian Sentencing Commission in 1983 where he pioneered research into evidence-based sentencing policy in Canada. The Commission's Report is, to this day, the only thorough empirical investigation of sentencing in Canada (Canadian Sentencing Commission, 1987). Having produced research in a number of areas including sentencing, bail, policing, discrimination, crime and violence in Aboriginal communities as well as on violence against women, Tony Doob is considered a paragon of evidence-based research who has a broad influence on academic as well as applied sectors (Sprott and Roberts, 2013. "Introduction". *Canadian Journal of Criminology and Criminal Justice* 55:4, pp. 457-459).

Colleague Rosemary Gartner, Professor at U of T's Centre for Criminology and Sociolegal Studies, says Tony Doob's "... contributions have helped ensure that our criminal laws and justice system are a closer reflection of the fundamental Canadian values of justice, fairness, and humanity; and his dedication to evidence-based justice policy and practice have helped ensure that criminal justice interventions in people's lives have an empirical and a principled basis" (U of T News). CCJA is proud to be associated with Tony Doob and grateful for his immense contribution to the *Canadian Journal of Criminology and Criminal Justice* and to advancing criminological scholarship in Canada and around the world.

ANTONY HOLLAND recently received the Order of Canada award and was extremely "honoured and very pleased, because it is the highest award that Canada gives." The Order's motto, "They desire a better country", is befitting for Mr. Holland, whose career has been varied and distinguished. Holland began his acting career doing performance tours in the British Army during WWII. He was then transferred to British Intelligence. After the war, Holland became vice-principal of the famed Bristol Old Vic Theatre School, an institution he characterized as being "the beginnings of classic theatre in our time". Holland moved to Canada in 1957, accepting a job pioneering theatre as therapy for people in prisons. He later went on to found a theatre arts program at the King Edward Campus of Vancouver Community College. The school was later relocated at Langara College under the name Studio 58, with Holland as artistic director until his retirement in 1985. Holland's response to the news of his appointment to the Order of Canada was the conception of his show entitled Not Going Gentle, which premiered in early July 2014 in Gabriola, BC, where he resides. The production presented highlights from his six most successful shows. Holland's hard work and wonderful spirit during the war, his work with prisoners in pioneering theatre-as-therapy, his contribution to education within the realm of theatre-program creation, his professional career as artistic director, and his many individual performances that continue to this day make Antony Holland a natural for the Order of Canada. The CCJA is particularly proud to have had Antony Holland perform at the Gala dinner during our 34th Canadian Congress on Criminal Justice last October at the Hyatt Regency in Vancouver, British Columbia. Holland's onstage antics and humerous, intelligent repartee lit up the stage and endeared him to all. The CCJA thanks him once again for his wonderful performance and congratulates him on his induction into the Order of Canada. Information for this notice is from Derek Kilbourn's article "Antony Holland being made Member in Order of Canada" published in the Gabriola (British Columbia) Sounder News, July 1st, 2014.

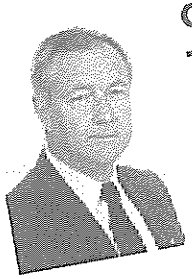
projet, M. Zinger a pu s'appuyer sur son vaste réseau de partenaires au sein du portefeuille de la Sécurité publique et des organismes correctionnels provinciaux afin d'assurer un échange bilatéral fructueux et constructif de visites et un dialogue sur les meilleures pratiques dans le domaine des services correctionnels.

M. Zinger a contribué à rehausser la sécurité des collectivités canadiennes en établissant des partenariats solides et efficaces et en contribuant à la mise en place de pratiques correctionnelles plus efficaces. L'APEX est heureuse de présenter à Ivan Zinger sonPrix de partenariat 2014 pour ses efforts inlassables visant l'établissement de partenariats stratégiques à l'échelle communautaire, nationale et internationale, et pour incarner les valeurs de la fonction publique fédérale."

KIM PATE, Executive Director of the Canadian Elizabeth Fry Societies, was named a member of the Order of Canada. Kim has advocated arduously for women prisoners, and has an international reputation as a defender of human rights for those held in Canadian prisons. More recently, she played a significant role in bringing the Ashley Smith tragedy to the attention of Canadians. Kim Pate also teaches part-time in the Faculty of Law at the University of Ottawa, and was recently named the Ariel F. Sallows Chair in Human Rights in the College of Law at the University of Saskatchewan. Kim is the recipient of several honorary doctorates for her outstanding work as a human rights advocate.

CCJA congratulates Kim Pate for this award and for her excellent work as a human rights and prisoner advocate, and wishes her the best in her new post as Chair in Human Rights at the University of Saskatchewan.

GIBBS, Joseph, William (Willie)



"Willie, a dedicated and caring family man and the best..."

It is with great sadness that we at CCJA inform you of the passing of Willie Gibbs. Willie passed away late Friday, August 8, 2014.

Willie began his career as a social worker in the field of mental health. In 1966, he joined the Correctional Service of Canada as an institutional parole officer. He subsequently rose through the ranks and held such positions as Supervisor of Classification and Psychological Services, Assistant Warden and then Warden of Springhill Institution in Nova Scotia. He moved to the regional headquarters in Moncton as Director General of Corrections Operations and then Deputy Commissioner of the Atlantic Region. In 1993 he was appointed to Senior Deputy Commissioner of the Correctional Service of Canada and was transferred to Ottawa. In 1997, he was appointed Chairman of the National Parole Board, a position he held until his retirement from the public service in 2000. In the latter part of his career, he was the Chairman of the National Joint Committee of the Canadian Chiefs of Police and Senior Federal Correctional Officials, and International Vice-President of the Association of Paroling Authorities, International.

After retiring, he penned a book entitled The Cons and the Pros, and was an active member of Canadian Criminal Justice Association serving as its president from 2003 to 2005. He was also a founding member of Smart Justice Network of Canada.

Willie lived life to the fullest by spending quality time with family and friends, engaging in a multitude of sports and activities, and relaxing at his cottage and on his boat in New Brunswick. He loved the annual Taynish Bridge Weekend with long-time Nova Scotia friends. He was also actively involved in his community of Pine Meadows and served on the Board of Directors for several years.

With his passing, his family has lost a loving husband, a devoted father and grandfather. His many colleagues across the country have lost a mentor and good friend. The Canadian justice system has lost a true champion and Canada has lost a dedicated and caring public servant. Many thanks to those who went out of their way to send their thoughts, prayers and love to Willie and his family over the past months. A memorial and interment of the ashes will be held next summer in New Brunswick. In lieu of flowers, donations may be made to Just.Equipping (www.justequipping.org) P.O. Box 2984, Gatineau, QC J8L 2X5, a non-profit organization developed by Willie's dear friend Rev. Pierre Allard and his wife Judy, or to the Ruddy-Shenkman Hospice Capital Campaign, www.hospicecareottawa.ca, c/o May Court Hospice, 114 Cameron Ave., Ottawa, K1S 0X1

SAWBONNA: WITNESS AND MEDITATION

BY MARGOT VAN SLUYTMAN

ABOUT THE AUTHOR

Margot Van Sluytman is an award-winning poet, a prolific activist and a writing teacher. Her talks and workshops are offered across North America. Her published books include *Performative Writing*, *Sawbonna: The Other Olympic*, and *Dance With Your Healing*. She has worked with Sister Helen Prejean and Raymond Mainsky for her first Master's of Arts and Integrated Studies, completed in 2012, culminated with a thesis entitled "Sawbonna – Justice as Lived Experience." She has worked with inmates and victims, applying the techniques of poetry/writing therapy. This fall she will engage in a Masters in Theology and Religious Studies. Margot believes that the personal, the public, and the political are symbiotic siblings. http://sawbonna.wordpress.com/

I have always known that at last
I would take this road,
but yesterday I did not know
that it would be today. - Narihara

Recently I reread Viktor Frankl's, *Man's Search for Meaning*. What struck me as different from the first time I read this work over thirty years ago, was that I understood as if for the first time that being a victim of crime is not only a process, but is as well an act of witness and an act of meditation. I came to this realization because of Sawbonna. Sawbonna, which means to see and be seen by self and other, is an act of living justice not merely from court and societal sanctions and proscriptions about how one should be after committing a crime or after having a crime committed against one. It is an act of being witness to what it means to be a human being, and how that meaning is reflected in what we think, what we say, and what we do and do not do.

To be a witness to life means to be present. To witness means that we are able to stand back, while standing within our confusion, pain, and deep anguish. Doing so is a paradox. The standing within to stand back often means dwelling in the *awe-full* place of holding opposing emotions and thoughts. Emotions and thoughts of profound hatred, revenge, and retribution of all manner, collide, if dance, with emotions and thoughts about resilience, restoration, and re-storying. Sawbonna is an invitation to enter the paradox. It is an invitation to meditate with one's self, and with others, about how we can move from victim and offender and broken communities, societies, and countries, to places of possibility, places of mirroring how it is we wish to see life lived. And it is an invitation to ourselves and those who create the laws and the support systems to address what sort of society we wish to live in.

To meditate means that we continue having conversations with ourselves and with others. It means knowing there are supports to which to turn when grief and pain are so deep, that self-harm or harm to others seems the only possible solution, for both victim and offender, and for those who accompany both groups. Though meditation can be, often is, an act we engage in in a solitary way, it is as well an attitude. A meditative attitude is one wherein after we have spent time, daily, asking ourselves how and what justice means, doing so in our own way, with our own emotions and thoughts, we join in groups, communities, in our places of politics, and spiritual expressions, and we discuss how it is we will create the concrete ways in which to live what it is we wish to see of justice. Of justness.

In my own personal process of witness and meditation, I continue to appreciate the very poignant fact that in 1976, two years before my Dad, Theodore, was murdered, the death penalty was abolished altogether, having initially being suspended in 1967 and again in 1973 (CSC 1998). This could only have occurred because particular individuals chose to witness, to meditate, chose to act on how it is they believed Canada should respond to justice. Their choice in walking with their vision and passion gave me the gift of meeting and sharing Sawbonna with the man, Glen, who took my Dad's life. To state that I have gratitude and respect for these people who engaged in witness and meditation, which means that Canada remains and will continue to be an inspiration for how it is justice is lived, is a potent truth in my life. Gratitude and respect reign supreme. ••

REFERENCES

Correctional Service of Canada (1998). *50 Years of Human Rights Developments in Federal Corrections*. Retrieved August 21 from http://www.csc-scc.gc.ca/text/pblct/rht-drt/index-eng.shtml

Daubney, David (2013). Conversation with Margot Van Sluytman in Ottawa, June 2013 re: Abolishment of Capital Punishment.

Frankl, Viktor E. (2008). Man's Search for Meaning. London: Ebury Press.

Van Sluytman, Margot. Sawbonna: I See You. A Real Life Restorative Justice Story. Calgary, AB: Palabras Press, 2008.

RÉSUMÉ

SAWBONNA: WITNESS AND MEDITATION
Un article de Margot Van Sluytman

Dans cet article, l'auteure Margot Van Sluytman pousse plus loin son exploration de Sawbonna en tant qu'action de justice vivante plutôt que comme réaction à des sanctions judiciaires et sociétales ou en tant que proscription au sujet de comment une personne devrait se sentir après avoir commis un crime ou en avoir été victime. Van Sluytman postule que Sawbonna constitue aussi une invitation aux législateurs et à ceux qui conçoivent des systèmes de soutien de se pencher sur le genre de société dans laquelle nous souhaitons vivre et souligne que le fait d'être victime d'un acte criminel est un acte de témoignage et de méditation. Parlant à partir de son expérience personnelle, Van Sluytman salue les décideurs canadiens qui ont aboli la peine de mort en 1976, deux ans avant que son père soit assassiné. Elle exprime sa gratitude et son respect envers les personnes qui ont emprunté la voie du témoignage et de la méditation pour parvenir à un consensus sur l'abolition de la peine de mort, car, plusieurs années plus tard, cela lui a permis de rencontrer et de partager Sawbonna avec Glen, l'homme qui avait tué son père.

JUSTICE
ACTUALITÉS REPORT

GENERAL GUIDELINES

"The first paragraph should catch the reader's eye. Your model should be the opening paragraph of a good short story, not the beginning of an academic essay". You may want to link your idea to a current, well-known (Canadian) justice issue.

"At the outset, your reader should have a general idea of where you are going – but you don't need a roadmap. We need to know in the first paragraph that you are writing about why we should ban texting while driving, for example, but not that you will give us two arguments and two examples"

"Accuracy, brevity and clarity" - the writing should be concise but the meaning must come through very clearly and be well backed up with references and a solid conclusion.

Please note that your submission will be read for content and clarity upon receipt at CCJA and suggestions for revisions may be made. We recommend the use of headings and reserve the right to make suggestions.

LENGTH

Submissions vary from 750 words to 2500 words.

DEADLINES AND THEMES

(Articles may also be submitted PRIOR to these dates)

Fall 2014 - October 24, 2014
Information Technology and the CJS, Cybercrime, Financial Crime, etc.

Winter 2015 - December 31, 2014
Victims

Spring 2015 - March 30, 2015
General topics

Summer 2015 - June 30, 2015
Aboriginal Issues

CONTACT

Please send your questions or comments to ccjapubsacjp@gmail.com (write Submission JR in the subject)

* A part of the general guidelines comes from an online article: A few tips for opinion piece writers (andrewleigh.org/pdf/OpEd_Tips.pdf)

LIGNES DIRECTRICES APPLICABLES AUX ARTICLES SOUMIS

Le premier paragraphe devrait capter l'attention du lecteur. Vous devriez vous inspirer du premier paragraphe d'une nouvelle bien rédigée et non du début d'une dissertation. Vous pourriez aussi faire un lien entre votre sujet et un enjeu de justice actuel et bien connu, idéalement dans le contexte canadien.

Le lecteur devrait dès le début avoir une idée générale de là où vous l'amenez – mais il n'est pas nécessaire de lui tracer une carte. Par exemple, on devrait savoir dès le premier paragraphe que vous allez traiter de la nécessité d'éliminer la corruption de fonctionnaires, sans pour autant préciser que vous allez présenter deux arguments et deux exemples.

Précision, concision et clarté – le texte devrait être concis, mais son sens devrait s'en dégager très clairement et s'appuyer sur des références et une conclusion solide.

Veuillez noter que l'ACJP procédera à la lecture de vos soumissions pour en évaluer le contenu et la clarté et qu'on pourrait vous suggérer d'y apporter certaines révisions. Nous recommandons l'utilisation de titres et sous-titres et nous réservons le droit de faire des suggestions à cet égard.

LONGUEUR

Les soumissions devraient comporter de 750 à 2 500 mots. Les articles plus longs seront examinés, mais pourraient être publiés en deux parties dans deux numéros.

DATES DE TOMBÉE ET THÈMES

Les articles doivent être soumis AVANT la date de tombée.

Automne 2014 - 24 octobre 2014
Technologies de l'information et le système de justice pénale au Canada, Cybercriminalité, Crimes financiers, etc.

Hiver 2015 - 31 décembre 2014
Victimes

Printemps 2015 - 30 mars 2015
Divers sujets

Été 2015 - 30 juin 2015
Questions Autochtones

CONTACT

Veuillez adresser vos questions ou commentaires à ccjapubsacjp@gmail.com (inscrivez Soumission AJ dans la case objet)

* Une partie des lignes directrices provient de l'article en ligne: A few tips for opinion piece writers (andrewleigh.org/pdf/OpEd_Tips.pdf)

THE STUDENT SPACE
L'ESPACE ÉTUDIANT

CCJA STUDENT MEMBERS ARE ALSO INVITED TO MAKE SUBMISSIONS!
LES MEMBRES ÉTUDIANTS DE L'ACJP SONT ÉGALEMENT INVITÉS À SOUMETTRE DES ARTICLES!
www.ccaj-acjp.ca

COMING EVENTS
PROCHAINS ÉVÉNEMENTS

(Published in the language submitted / Publiés dans la langue dans laquelle ils sont soumis)

SAVE THE DATE! • INSCRIVEZ LA DATE À VOTRE CALENDRIER!

OCTOBER 15-17, 2014

CANADIAN INSTITUTE FOR THE ADMINISTRATION OF JUSTICE (CIAJ) ANNUAL

THEME: Privacy in the Age of Information

PLACE: The Sheraton Hotel Newfoundland, St. John's (NL) Canada

INFORMATION: http://www.ciaj-icaj.ca/images/stories/eventsPDF/2014.AC.pdf

OCTOBER 20-22, 2014

CANADA-US BI-NATIONAL CROSS-BORDER INTEROPERABILITY WORKSHOP
Hosted by CITIG (Canadian Interoperability Technology Interest Group)

THEME: Focus on the Frontline: *This workshop addresses gaps on key voice and data interoperability issues facing today's public safety sector. The focus on information exchange, topic-specific discussion and interactive break-outs aim to support and promote the transfer of best practices and experience, and the development of a more unified approach to public safety interoperability between nations.*

PLACE: Caesars Windsor, Windsor (ON), Canada

INFORMATION: http://www.citig.ca/canada-us-bi-national-cross-border-interoperabilityworkshop-2014-10-20.aspx

FEBRUARY 6-11, 2015

AMERICAN CORRECTIONAL ASSOCIATION — ACA'S 2015 WINTER CONFERENCE

THEME: This Winter Conference is an engaging, thought-provoking, six-day event offering multiple ways to network with industry professionals, find a mentor, get a sneak peek at emerging technology, and hone your leadership skills.

PLACE: Long Beach Convention & Entertainment Centre, Hyatt Regency Long Beach, & Westin Long Beach, Long Beach, CA

INFORMATION: http://www.aca.org/

MARCH 3-7, 2015

ACADEMY OF CRIMINAL JUSTICE SCIENCES — ACJS 52ND ANNUAL MEETING

THEME: Broadening the Horizon of the Criminal Justice Sciences: Looking Outward Rather Than Inward

PLACE: Caribe Royale All-Suite Hotel and Convention Center Orlando, Florida

INFORMATION: http://www.acjs.org/pubs/167_668_2915.cfm

DECEMBER 11-13, 2014

CONFEDERATION OF EUROPEAN PROBATION

THEME: 9th CEP Conference on Electronic Monitoring in Europe (DE)

PLACE: Caribe Royale All-Suite Hotel and Convention Center Orlando, Florida

INFORMATION: http://www.acjs.org/pubs/167_668_2915.cfm

NOTICE • • AVIS

Please send notices about your events to **ccjapubsacjp@gmail.com** so we may add them to the list of Coming Events.

Veuillez envoyer les annonces pour vos événements au **ccjapubsacjp@gmail.com** nous permettant ainsi de les inscrire dans la liste des «Prochains événements».

JUSTICE ACTUALITÉS REPORT

ADVERTISEMENTS | ANNOUNCEMENTS
ANNONCES | PUBLICITÉS

1/4 page	seulement **PDF** only	**$100**
1/2 page	seulement **PDF** only	**$150**
1 page	seulement **PDF** only	**$250**
+ **$75** colour I couleur		

CANADIAN CRIMINAL JUSTICE ASSOCIATION

STUDENT AWARD

LE PRIX ÉTUDIANT

ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

$1000

1 year **FREE MEMBERSHIP** to the Criminal Justice Association and have your **SUMMARY PUBLISHED IN THE *JUSTICE REPORT***.

Une **ADHÉSION GRATUITE** d'un an à l'Association canadienne de justice pénale, en plus de voir votre **SOMMAIRE PUBLIÉ DANS *ACTUALITÉS-JUSTICE***.

ELIGIBILITY

1. Must be a post secondary student completing an undergraduate degree in a social science program with a focus on criminal justice
2. Must be a student in good academic standing and enrolled in a Canadian University/College

HOW TO APPLY

A. Submit a 250-word summary that describes how your community involvement and studies address criminal justice issues in your community

B. Provide a transcript from your current post-secondary institution (photocopy acceptable)

C. Provide your resume and contact information for 2 reference institutions (1 academic and 1 community)

Submit application by letter, fax or email to:
Canadian Criminal Justice Association
320 Parkdale Avenue, Suite 101, Ottawa, ON K1Y 4X9
ccja-acjp@rogers.com Fax: 613-725-3720

DEADLINE: NOVEMBER 1ST 2014

ADMISSIBILITÉ

1. Doit être un étudiant ou une étudiante de niveau postsecondaire, inscrit(e) à un diplôme de 1er cycle en sciences sociales, mettant l'accent sur la justice pénale
2. Doit être un étudiant ou une étudiante en règle, inscrit(e) dans un collège canadien ou une université canadienne

MODALITÉS DE DEMANDE

A. Présenter un sommaire de 250 mots décrivant comment votre implication communautaire et vos études contribuent à améliorer les enjeux de justice pénale dans votre collectivité

B. Présenter un relevé de notes de votre établissement postsecondaire actuel (une photocopie peut convenir)

C. Fournir votre *curriculum vitae* et les coordonnées de deux références (1 universitaire et 1 communautaire)

Soumettre votre demande par courrier, télécopieur ou courriel à :
Association canadienne de justice pénale
320, avenue Parkdale, suite 101, Ottawa (Ontario) K1Y 4X9
ccja-acjp@rogers.com Télécopieur : (613) 725-3720

DATE BUTOIR : 1ER NOVEMBRE 2014

@CCJA_ACJP

Canadian Criminal Justice Association